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HELD AT

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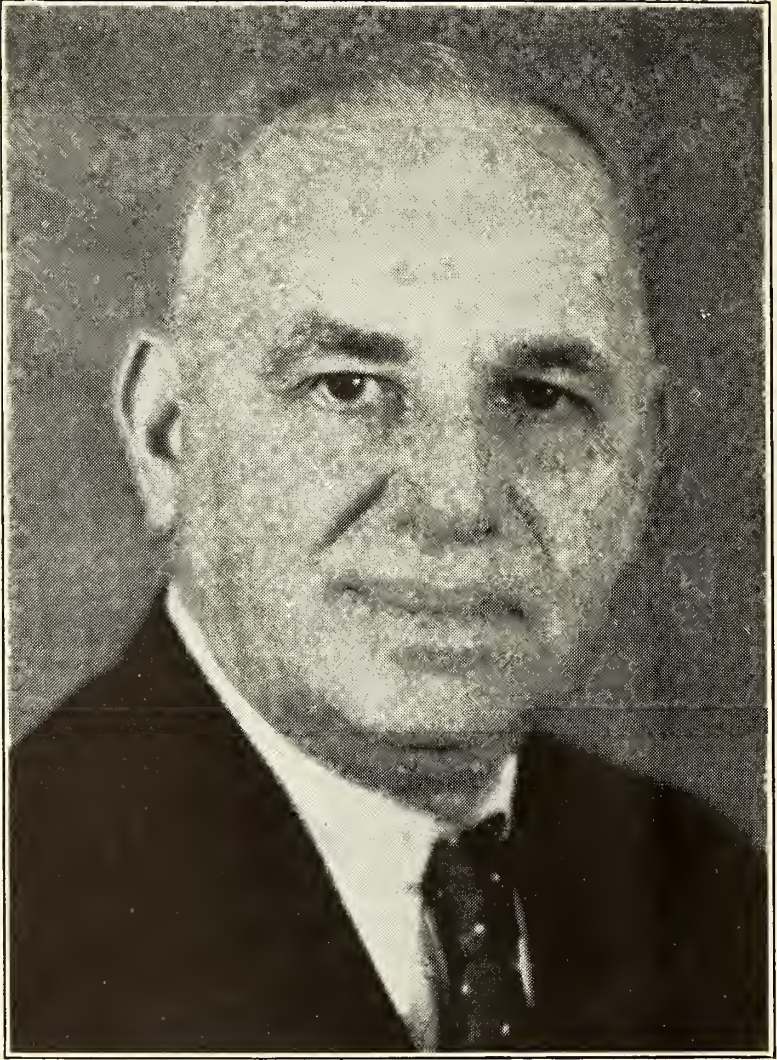
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FRANK E. EVERETT
Retiring President Mississippi State Bar

Mississippi Law Journal

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STATEMENT OF THE NEW PRESIDENT OF THE STATE BAR

To the Members of the Mississippi State Bar:

The Bar of Mississippi has every reason to view with pride its record, when compared with the bars of other states in the Union. In the past century it has given to the nation some of the most able lawyers and jurists who have graced the bar and bench. The high ideals of our noble profession have been upheld and adhered to by the bulk of the members of the profession, despite the fact that we are occasionally subjected to scathing denunciations on the account of the misconduct of a few of our members. In the future, as in the past, let us continue to bend our every effort toward the elimination of such of our brethren as we may find unfitted, after searching investigation, to remain within our ranks. Let us endeavor to build up in the public a righteous conviction in the honesty and integrity of our courts, and in the attorneys who are admitted to practice therein. Not only should our profession keep in view the fact that the eternal principles of justice should be jealously guarded by our profession, but that such is in truth and in fact the case. The foundation of our splendid institutions, in the main, represent the thought and study of men learned in the law, and by laws enacted and decisions rendered by men of our noble profession.

Social and economic conditions, with their present-day complexity, on first blush may seem to require a revamping of the fundamental principles adhered to in the past. Let us move forward as the occasion demands, but slowly and with caution let us feel our way. We should "not be the first to cast aside the old, nor the last to embrace the new," and with this thought in mind let us trust that this year and the coming years will enable our profession, through its works, to prove its worth to the nation.

The active interest of our younger members manifested in the organization of a Junior Bar Section, and on the floor and their discussions during the annual meeting was an inspiration to me. Their discourse was the natural outgrowth of the unbounded enthusiasm and confidence of youth. Let us look forward with pleasure to the close cooperation of the Junior Bar Section with the Parent Association, and to a revival of interest in our work by those who have grown indifferent in the past. Permit me to urge the lawyers of each county where local bar associations exist to have stated meetings and discuss the live topics of interest to the

profession. In counties where no local bar association exists, I trust that the commissioner from such district will undertake the organization of a local association. By pursuing such course, I feel sure that we will create an active interest among the lawyers of Mississippi in all matters pertaining to our profession.

I would impress upon every member of the bar that the association needs their closest cooperation and assistance at all times, and their attendance at our annual meetings. By coming in contact with each other more often we will acquaint ourselves with the problems confronting our profession and will be in better position to deal with same in a manner worthwhile to all.

I appreciate beyond measure the honor conferred upon me at the Greenville meeting by members of the bar in selecting me as your president for the coming year. With your cooperation, I shall undertake to render a service that will reflect credit upon our profession and be of genuine service to the bar.

Sincerely yours,

DAVID E. CRAWLEY, President,
Mississippi State Bar.

STATEMENT OF THE CHAIRMAN OF THE JUNIOR BAR SECTION

To the Members of the Mississippi State Bar:

The occasion for a statement from the present Chairman of the Junior Bar Section of the Mississippi State Bar is the fact that this is its first year of existence and some announcement is required to explain its purpose and give its aims.

The Mississippi State Bar comprises every lawyer in the State of Mississippi and the organization of this Section does not deprive any lawyer from participating as fully in the activities of the State Bar as if the Section were not created. It, the Section, is an organization created by the State Bar and composed of all lawyers in the State under thirty-six years of age, for the younger lawyer, giving him a forum and organization to work for those things he believes are beneficial to the Bar and society as a whole.

For the most part, the State Bar is run by men over the age of thirty-six and it is infrequent that a man under this age takes part in discussions on the floor of the annual meeting. This is not because these younger men would not like to do so but because of a natural respect for the opinions of older and more experienced members of the Profession. Consequently, this Section was created for the younger lawyer.

Some fear was expressed that the Section would act on matters brought before it and then work in the State Bar as a unit to accomplish its desires, binding the minority of the Section who might

be opposed to that proposal. It will not function in this way and the thing that would kill its usefulness quicker than anything else would be a group of individuals seeking to use the Section as a means to accomplish selfish or political desires. Any member who opposes a proposition on the floor of the Section will be free to do so on the floor of the State Bar.

As to what we hope to do this year, it is planned to start gradually and "make haste slowly". All members of the Bar are urged to read the resolution creating this Section on page 102 of this Journal and to notice in the proceedings herein the names of the Executive Committeemen from their Supreme Court district. Any suggestions from any members of the Bar as to what this Section should work for should be sent to the nearest Committeeman.

About two months before the annual meeting of the State Bar, this Committee will meet in Jackson and plan the program and matters to come before the Section. It will also decide the time of the meeting of the Section. It has been suggested that it meet on Wednesday night immediately preceding the convening of the State Bar on the following morning.

Those in charge of this Section invite the suggestions and constructive criticism of all the members of the Bar in order that the Section may be an instrument for good to the entire Bar and to the State of Mississippi.

HUGH N. CLAYTON, Chairman,

Junior Bar Section of the Mississippi
State Bar.



Proceedings
of
Mississippi State
Bar



Held At
Greenville, Mississippi
September 3rd and 4th
1936

PROCEEDINGS OF THE THIRTY-FIRST
ANNUAL MEETING OF THE
Mississippi State Bar

Held in the City of Greenville, Mississippi, on the 3rd and 4th
of September, 1936.

THE PRESIDENT (Hon. Frank E. Everett): The Association will please come to order.

This Association, which has convened here in the city of Greenville, I hope we can attend both with pleasure and business. Before entering into any business, however, let us all stand and be led in prayer by Dr. J. W. Ward.

DR. WARD: Oh, Lord, Our Lord, How excellent is Thy name in all the earth! Who hath seen Thy glory above the heavens, when I consider Thy heavens, the work of Thy fingers, the moon and the stars, which Thou hast ordained. What is man, that Thou art mindful of him? And the son of man, that Thou visitest him? For Thou hast made him a little lower than the angels, and hast crowned him with glory and honor; Thou madest him to have dominion over the works of Thy hands, and our prayer to Thee today is that none of us may prove ourselves unworthy of this high privilege which is ours of walking the earth as the sons of the Most High, as the man of privilege and of opportunity.

We come to Thee with a deep humility to confess that we have not attained to the height of the dreams of our youth; nor have we solved with any degree of satisfaction the great problems that are presented to us today. We pray Thee to remove our transgressions from us as far as the east is from the west, and grant us clear minds, pure hearts, and the courage to set our face toward the tomorrow's rising sun, and in our day, that we may meet our problems with some degree of courage, and some degree of satisfaction in the solution of them, as we build upon the foundation laid by Our Father.

We are grateful to Thee for this salvation which we have inherited from the mind and heart and toil of our pioneer fathers and mothers. We have set our hands to the task; we pray Thee that we may receive some fruits of our efforts. May Thy presence be upon this group as they have taken upon themselves the task of setting in order the procedure whereby justice may be had among our fellows. Grant them, we pray Thee, that they may not approach these problems in the spirit of hopelessness or despair, but that they may find the courage to build upon the foundation of the Father, and that their work shall march forward and show the mark of progress in the lives of humanity.

Grant us all that we need in the task that lies before us, and we shall give Thee the glory, forever and ever, Amen.

THE PRESIDENT: It is now my privilege to present to you Judge Ben F. Wasson of the Greenville bar, who will present the speaker, who will welcome the members of the Bar to Washington County and the City of Greenville, Judge Wasson.

JUDGE WASSON: Mr. President and members of the State Bar, unfortunately, the program has been changed to a certain extent, and the Honorable M. C. Smith, Mayor of the City of Greenville, who was scheduled to deliver the address of welcome on behalf of the city of Greenville, is absent. However, it is very fortunate that we have Judge Bell, who will welcome you on behalf of Washington County Bar Association, which will also include a welcome from the city of Greenville, and I now take pleasure in presenting Judge Bell.

JUDGE PERCY BELL: Mr. President, friends of the Bar Association, ladies and gentlemen: For some reason, to your deponent unknown, the program as sent over to Greenville by the "higher ups" did not provide for any welcome at all from the local bar. Whether this was because of the assurance the said "higher ups" felt that they were bound to be welcome or whether there was a lurking feeling that the least said on that subject the better, I do not know, but we decided that as we really were glad to have you come that we might as well tell you about it. It is always a pleasure to meet friends and we lawyers entertain the liveliest of friendly feelings for those who are *particeps criminis* in the practice of law. There is really less of petty jealousy among the members of the bar than almost any profession that I know. We have our fierce conflicts in court but they are purely professional and we leave the court room arm in arm. So the bar of Greenville is genuinely glad to see you and glad to have you with us so that we can tell you how prosperity has returned to us and how much money we are making, and you can tell us some good lie in your turn.

I believe that the last few years have seen the general public more inclined to welcome Bar Associations than they might have been a few years ago. For some time our meetings were regarded without any seriousness by the public who in speaking of them seemed to stress the word "bar". But since we have begun to clean house, to institute some very needed reforms, to speed up our process and to modernize our methods the general public has the tendency to believe that there may be something more to these meetings than mere conviviality.

It was really high time that we were doing something of the kind. Everything else had modernized but we remained very much in the old ruts. In many jurisdictions Chitty, if he were still alive, would be the best pleader at the bar.

We had grown accustomed to speak of ours as a noble and learned profession and to ignore the fact that very little education

was required for admission to the bar and that we were exceedingly remiss in the matter of keeping the profession a noble one. The technical side of law was studied with so much assiduousness that some of the great fortunes of law were made by showing clients how to escape civil or criminal liability through some technicality.

The inclination to take part in public affairs had a tendency to create many lawyer politicians. We found the general public and a good many of us looking rather askance at a profitable practice carried on, say in Washington before departments, by the law partner of a man who happened to be a U. S. Senator.

We preached a good deal of ethics to our younger men, unfortunately neglecting to provide the example that should have accompanied the precept. It would be a very difficult thing to induce a high grade doctor to violate the canons of his profession and to perform a criminal act for a financial reward, but some of our brightest luminaries were paid for the emasculation of legislation or for having influence in obtaining refund of taxes or other concessions. To the younger chap the example meant much more than the precept. He felt about it as I did when I was a college boy when one of my friends reeled up too drunk to speak plainly, and said with great solemnity, "Percy, you must never drink a drop of liquor." The public could not help feeling a mild wonder and perplexity when it saw, as it frequently did, a District Attorney prosecuting a man for bootlegging while he himself reeked from the latest drink.

Too many of our criminal lawyers viewed success in securing acquittals as the ultimate aim of their lives, with the result that the public believed that it could escape the penalties of the law if it hired a good enough lawyer. I remember seeing a letter addressed to a good friend of mine which read as follows: "Dear Judge: I had a quarrel with A who treated me very outrageously and I am writing to find out how much it will cost me to get out if I kill him." Now that is what I call providence and forethought.

The American Bar Association has just finished a session at which it condemned most vigorously the conduct of some of our more prominent criminal trials, notably the Hauptman Case. Nothing could have done more to bring the law, and courts and Lawyers into disrepute with the public than to conduct a court as though it were a circus with moving picture machines going, everybody seeking the white light of publicity, and the audience applauding or hissing as its moods might vary. The trial of a human being for life should be the most solemn and most impressive of all procedure and not an occasion for levity or for self-exploitation. Spectators should no more be permitted to express their partiality in a lower court than they would be permitted to do so in the Supreme Court of the United States.

I am glad to see the reforming movements in the bar and hope the time will come when the mere fact of admission to the bar will

be a certificate of fine intellect, high education and irreproachable morals; when our courts will be conducted with dignity and a sense of consecration to the cause of justice; when our procedure will be modernized and equal rights for all be obtainable by all with a minimum expense of time and money; when a court of law will be a temple of justice, its officers and attorneys, the ministering priests who have entered upon their calling as a profession and not a business.

The oath of a lawyer taken on admission to the bar is as high and solemn an obligation as was ever assumed by an Esquire who sought to wear the spurs of a Knight.

As visitors and recipients of our hospitality we welcome you, as friends we rejoice in your presence, and as lawyers working to maintain the high ideals of our profession we give you our warmest affection. (Applause).

THE PRESIDENT: This beautiful tribute of flowers, which Judge Bell has taken to himself, comes, however, to the entire convention. We all have a part in them, and they are presented by the ladies of the Greenville Garden Club.

It is now my pleasure, my friends, to introduce to you a gentleman who will respond to Judge Bell's address on behalf of the Bar Association, Judge Lyell.

JUDGE G. GARLAND LYELL: Mr. President, Judge Bell, Ladies and Gentlemen: It is one of the greatest pleasures of my life to respond to a word of welcome from a friend of forty years. Of course, his welcome conveyed at once, as he has expressed, the welcome of the Washington County Bar; and certainly no section of the Mississippi bar has ever stood higher, or added greater luster to the highest standards of our profession than the exalted character and accomplishment and professional standing of the bar of Washington county. It would be but to call the roll of the Washington county bar to give you a cross-section of the splendid bar that our state has contributed to the nation. I will not call any of the names for the fear that some name might be omitted unconsciously or inadvertently by me. But from every angle, from the legal standpoint, from the historical standpoint, from the literary standpoint, from the moral standpoint, from every angle of accomplishment and worth-while endeavor and characteristics, your bar has always been representative to the Nth degree of the highest and best in this bar, or that could characterize any other bar.

Your Delta is the greatest country in the world. You have the richest soil upon the face of this earth. You are a fighting, courageous, loyal, upstanding people. No hardships ever come so great that you bow the head, much less holler or shout, "Kamerad," and surrender. You have been, like other sections of this state, through a Gethsamene of financial worries and troubles and vicissitudes, but in the great Mississippi Delta you have always been characterized

by a prosperity, a security and happiness—that trinity of things that we have come to regard, or rather to desire, as our constitutional guaranties or as our American privileges and blessings. Certainly in the Delta you always have a happiness; you generally have a prosperity; and when the depression came, and it became necessary to have outside financial assistance, you were able also, out of the largeness of your heart, if not the demand of the cold money-lender, to furnish security as well.

I heard a story not long ago of interest to you of a visit of a cold representative of one of the New England syndicates that had a large mortgage on one of your rich delta plantations. The firm sent one of its hardest-boiled collectors down here, with instructions to foreclose. He was met at the train by the borrower and his cultured wife—perhaps he was some lawyer of this bar; but the gentlemanly instinct and characteristic and manly virtue and ability to do always just the right thing and say the right thing at the right time, have always characterized your people. As I heard this story, this visiting representative of this Shylock Company was here to initiate foreclosure. He was greeted at the train by the debtor and his lovely wife; perhaps a charming delta daughter was there, like one of those “Three Graces”. I recall when I visited Greenville some years ago it had three lovely daughters known as the “Three Graces”—so without reference to time, I have no doubt but that one of the Delta Graces was there, too, to greet this hard-boiled visitor. He was taken to this home which had everything up-to-date, including the mortgage above mentioned, and he was literally wined and dined and banqueted under this hospitable roof. You can see that this hard-boiled manner of his and frame of mind and approach to your city and debtors were being gradually melted away by this process of lovely hospitable attrition indulged in by your good people above mentioned. And after having been entertained for a day or two under this hospitable roof, as he enjoyed the hospitality and prosperity that are indicative of your people in the way of conviviality and camaraderie, etc., he folded his tent of his contentment, bade a regretful farewell to his host and hostess as he had come to regard them. And the visitor was no longer a Shylock collector of a pound of flesh; after having met and enjoyed the company of the beautiful ladies and gentlemen that inhabit Washington County, he had no longer the desire to exact the pound of flesh, much less a drop of Delta blood. As the story goes, he went back to the home office of the company and told them that he could not disturb the prosperity, security and happiness of those lovely people here in the Delta.

So, whatever the situation is, you have always been able to plough through it. You have a bumper crop this year. I was talking yesterday to J. C. Holton, our State Commissioner of Agriculture. We think in Mississippi we are having a hard time. But take statistics, hard-boiled statistics, they show that Mississippi is in better shape than any other state in the Union. Do you know that these hard-boiled statistics show that Mississippi crops for

1936, some thirty-two agricultural crops, are forty-two percent higher in yield than they have been during the last ten years and, of course, here in this great delta you share largely that prosperity. You, our kindred of the bar, are our friends, and what could be finer than to visit the people upon whom these blessings have been showered; than to come in your midst and have this contact with you, as your cousins, as your brothers of the bar. We say to you in your larger financial success this year, that you are indeed a kin we love to touch (laughter); and while we have all had our share of vicissitudes, and sometimes we think those things are still upon us, yet some philosopher once said a bitter pill is perhaps, after all, one of the finest tonics that we can take. I do not think any of us think any medicine is worth while or enjoy it, unless some of you take for medicine the cup that cheers, that gives us much pleasure in the going down and coming to rest.

As you know, one of the towns in Alabama, with the advent of the boll weevil, that evangel of destruction of cotton—by the boll weevil they were taught diversification of crops—in that little town in Alabama they have on the court house square erected a monument to the boll weevil. Whether it takes the magnified shape of the insect or not, whatever the form may be, there is embodied therein the thought: “Here is one of the best friends we have ever encountered; he treated us roughly, but we have learned from the pest our lesson of crop diversification. We were too much of one mind, too much of one crop.” And they erected a monument to Prof. Boll-Weevil.

Here in the Delta you know how to live. I don’t know of any people out of New Orleans, who better know how to live than the Delta people. You always enjoy life, you love your books, you love your friends, your business—everything but the ladies—and yet you have always been characterized by that sort of pleasant toleration towards them. You are a great people. It is a great pleasure to be among you; and with this banner crop, cotton more especially, I have no doubt that that prosperity, security, and happiness will return to you.

I am reminded of what the Honorable Charles N. Burch of Memphis said on one occasion at a banquet when he introduced Judge Edmund F. Trabue of Louisville, Kentucky. He commented on the fact that Judge Trabue was a distinguished lawyer, an accomplished practitioner in the federal courts, and that it was often said that when Federal Court convened in the city of Louisville Judge Trabue began to lead the higher life. You Delta people lead a higher life than the rest of the people of this state or any other people of whom I know; but when you have a big bumper cotton crop, then indeed you lead the higher life; for you know what money is for; you know it is to produce and purchase those things worth while that you desire and you feel you will enjoy. Hence it is a pleasure to be among you to help you enjoy your prosperity and hospitality.

This challenge of Judge Bell's to the highest and best that is in us drives completely from your thought and ken worry or anything of that sort.

You know, when I first knew Judge Bell he was not as seriously minded as he is now. The first time I ever saw him was when I was on the train on my way to the University of Mississippi. That was my first meeting, by the way, Percy, with our good friend Will Collier. When Will Collier got on the train at Vicksburg—Percy Bell had made the same train—I was aroused about 11 o'clock at night by Will, who said, "How are you, boy, where are you going?" and introduced me to a tow-headed boy about that high (gesture), whom I at once began to admire and with a respect and affection that have continued through all of these years. What a fine thing it is to have a challenge thrown out to us as members of the bar in the way and manner and in the eloquent words in which Judge Bell has given us welcome.

May I say with what pride and delight I learn that his splendid son has been selected over many competitors as one of the Rhodes Scholars. He goes to Oxford, England, this month. And I say another thing, he has so much of his father's and scholarly mother's characteristics that he will never be anglicised. Some of the boys who have gone over there have become anglicised, but a Bell will always ring true, just as true to Americanism in every sense of the word as the Liberty Bell before its crack affected its musical tone pealing forth liberty to this land.

It is a great pleasure to be here. I am just carried out on the flood of my talk, as you will observe, and I know you will be carried away by one of Percy Bell's declamations. I want to close with this personal note, because I cannot help but be personal where he is concerned. When we were at the University together, he trained me to speak for Freshman medal. If I over-speak myself or over-talk myself, it is due to the fact that I received my training under him, when he was training to declaim for Freshman medal, the little poem called "My Uncle". Let me see if I can give it. We received our training under that great woman, Miss Sara McGehee Isom. And I digress to say that I wonder if we are not wrong in neglecting too much in our institutions that cultural training for declamation, for debate, for public utterance, not giving it the attention in this day and time that, perhaps, we should.

We would go down behind the hill there on the campus, and this is about the way Percy would tell us to do. We would button up our coats, put our hands behind us, and then raise the Greek hand with the divorcee finger, the Greek hand supposed to be taken from the marble statue of a Greek goddess, and animated, electrified and made expressive and graceful flesh and blood by the instructive genius of Miss Isom, the accomplished head of the department of elocution and oratory. In those gay 90's the Freshman of our group was taught to declaim this very dramatic poem, which

never failed to win Freshman medal. Judge Percy Bell and Judge Holmes, who are present here today, were among those who won Freshman medal with their dramatic rendition thereof.

I will now endeavor to demonstrate to the present generation how that poem was rendered, especially when embellished and annotated with the famous Greek hand.

(Reporter's Note: Judge Lyell then rendered in dramatic and highly humorous fashion, impossible to reproduce, with much gesticulation, this poem, laying especial emphasis on the Greek hand, to the evident great interest and amusement of the audience, and to such an extent that the Greenville Democrat-Times stated that the rendition "brought down the house.")

PRESIDENT EVERETT: There will necessarily be a little change in the program, but before announcing that I want to announce that there will be a Tea this afternoon at five o'clock at the Country Club by the ladies of Greenville on behalf of the visiting ladies of the Bar, and in place of the Barbecue that appears on the program that was to have been given this afternoon, there will be a banquet at the Hotel Greenville at 7:30 this evening taking the place of the barbecue.

I am sorry to have to announce to you that the boys of Greenville let the musician get away from them. I do not know what became of him or her; I understand that she escaped, and, therefore, we will have to forego the song that we thought we would have.

Mr. Lamar Hardy, who is to address us, will not be here until two o'clock this afternoon. He advised me yesterday by wire that he would be unable to get here before that time. He will arrive at Greenville about 1:30, and we will hear him directly after we convene this afternoon.

Therefore, it will be necessary to move up the program just a little in order that we put something in his place. In order to do that I will have to give you a little dose myself.

Why the Bar wants any sort of an address by the President I do not know, and I am going to warn you right now that mine will be as uninteresting as a great many more that we have all heard heretofore. However, in view of the fact that the Bar demands it, you are going to have to listen—that's all there is to it.

Members of the Mississippi State Bar, Ladies and Gentlemen: Heretofore those who have preceded me in this office, have, in their addresses, discussed recent Acts of the state or federal legislatures, or have emphasized certain legal questions or have compared certain legislative acts with certain principles of law. In fact, this character of address has been followed until it has almost become a custom, or precedent.

I shall not apologize for breaking this precedent, for the lawyer who does not read the Acts of Congress or the state legislature and get his information from that source would not profit or benefit from any discussion of them at this time.

I believe that the opposition in this state to the integrated bar act and to the bar association as it now exists, is for want of knowledge or information as to what the bar association is trying to do and trying to accomplish. Therefore, what I have to say will be more in the nature of a report of the activities of the Mississippi State Bar, acting through its Commissioners and the mention of certain matters to be considered by this annual meeting, which, in my humble judgment, should be considered and passed at this meeting of the association.

Prior to the enactment of Chapter 121 of the Laws of 1932, which is commonly referred to as the Integrated Bar Act, the Bar Association of Mississippi was largely a failure.

Many reasons may be assigned for the failure to function by the old Bar Association, but without going into any of those reasons we know that it was without authority to enforce any of its rules and regulations. It was purely a voluntary organization, and while a few of the lawyers of Mississippi undertook to bring about changes for the betterment of the Bar it was used largely as an occasion for a social gathering between members of the Bar who attended the annual meeting. In my judgment no Bar Association can succeed and make any headway toward progressive practice or progressive laws where there is no provision for study through committees, of various questions which are to be presented and discussed at the annual meeting of the Association.

The reason for that is simply that a question presented without careful study on the part of some committee, and the proper analysis as it is presented, cannot be thoroughly analyzed and its results foreseen by only a few minutes discussion from the floor of the convention.

STATUTES UNDER WHICH WE ACT

Chapter 121 of the Laws of 1932 was passed for the purpose of creating an integrated bar of Mississippi and to give to it some power and authority for the control of its own members and an opportunity to work as a body, not only for the benefit of the Bar, but for the benefit of the courts and those who have to litigate their rights in the courts of the state.

Section One of Chapter 121, Laws of 1932, provides:

"That the resident lawyers now authorized to practice law in the State of Mississippi are hereby and herewith constituted an association which shall be known as the Mississippi State Bar."

Section Three provides in part:

"The Association created hereby shall be controlled and governed by a Board of Commissioners consisting of as many members as there are Circuit Court districts in the State."

By this Act, all lawyers practicing in Mississippi at the time of its passage, were made members of the Mississippi State Bar, and all lawyers thereafter admitted to the Bar automatically become members of the Mississippi State Bar under the Act, and by Section Twelve thereof enrollment on the list of members of the Association and the payment of annual dues as required by the Act, is a condition prerequisite to either continue or thereafter engage in the practice of law.

Section Fourteen of the Act provides:

"Each member of the Association engaged in the practice, or in order to *possess authority* to practice law in this state, shall pay dues each year in the sum of \$5.00."

Therefore, it is seen that the Act itself by Sections 12 and 14 thereof, prohibits any lawyer, not enrolled on the list of membership of the Association who fails to pay his annual dues of \$5.00, from the practice of law.

Statutes of this character are absolutely necessary if we are to have an integrated bar so that every lawyer will be compelled to belong to the Bar Association, whether he attends or not, and subject to the provisions of the bar act. Our own experience with, and our observation of other states, having only a voluntary Bar Association, proves beyond a doubt that voluntary associations are complete failures.

METHOD OF PROCEDURE

By other provisions of Chapter 121 a complete scheme is laid out for handling complaints against members of the Bar. By the provisions of this Act complaints can be made to the Bar Commission, to any individual commissioner or to the President of the Bar, and these complaints are turned over to the Complaints Commissioner without ever divulging the name of the party who makes the complaint. These complaints are investigated, and if there is merit to the complaint, a committee is appointed to have a hearing of the charges with the accused attorney present, and if that hearing warrants a charge against the particular member of the bar, then the committee files the bill in Chancery, or suit in Circuit Court for suspension or disbarment, thereby taking off of the local bars or the members of the bar in any local community the onus of preferring charges by way of disbarment proceedings, and places the whole responsibility upon the Commission, and the Bar Commission has gladly accepted the responsibility placed upon it by the statute.

COMPLAINTS FILED

In my judgment, this statute is a wholesome one. There have been referred to the complaints commissioner 123 complaints from June 1, 1932 to the present time, and 100 complaints have been made to the president of the Bar or to the Bar Commission, where action was taken without reference to the Complaints Commissioner. There have been at least 223 complaints examined, the charges investigated and at least ninety per cent of them brought to a conclusion one way or another. The greater portion of these complaints, in fact 90% of them, have been filed against lawyers handling collections, the complaint being that collections had been made but that the attorney had failed to remit. Practically all of such complaints have been adjusted, the attorney has remitted to his client and in no instance has a second charge been made against him. A few lawyers have been disbarred, some have been suspended, and when these investigations began quite a few lawyers, who handled collections, although no charge had been made against them, seemed to recall that certain remittances had not been made by them and forwarded the same to the Secretary of the Bar Association, asking that the remittance be made to the client through the Secretary in order that the Bar Association would know that he was not in default in any collections.

The activities of the Complaints Commissioner and the Commission have had a wholesome effect. Seventy-five per cent of such complaints were made the first two years of the existence of the Commission. Many frivolous complaints have been ignored.

CRITICISMS

The Press of Mississippi and the laity have strongly criticised the Bar of Mississippi because of the activities of some lawyers who, they claim to be unethical and unprofessional. We know that a large majority of the lawyers of Mississippi are honest and honorable men, who practice their profession honestly and ethically, but we are largely responsible for this criticism for the reason that members of the bar have failed to cooperate with the Bar Commission, in that they have not confided in the Commission to the extent of giving such information as they may have of unethical practice by other lawyers. If members of the Bar, who know of such practices by other lawyers, and if any one of the public who has a complaint against any attorney who has represented him, would report those things to the Bar Commission or to the Commissioner in his district, instead of publicising his grievances through the press or from the street corner, the matter will be promptly and properly investigated and adjusted to his complete satisfaction and without giving out to the public the name of the party who furnishes the information.

THOSE WHO DEFY THE LAW

Some members of the Bar have wholly failed to cooperate with the Bar Association in several ways: some have defied it; some

have tried to repeal it; and some treat it with silent contempt. There are at this time thirty-nine lawyers in Mississippi who have not paid their dues for one year; there are thirty-nine other lawyers in Mississippi who have not paid their dues for two years; there are twenty-two other lawyers in Mississippi who have not paid their dues for three years and there are twenty-three other lawyers in Mississippi who have never paid any bar dues whatsoever, making a total of one hundred twenty-three lawyers in Mississippi who have no right under Chapter 121 of the Laws of 1932 to practice law. The Bar Commission and the Secretary have tried to collect these dues by persuasion, but it appears from some of the replies that persuasion has wholly failed in many instances. Therefore, suit is being filed against lawyers who obstinately refuse to pay their dues, in order to put them out of the profession.

By Section 25 of Chapter 121, a member of the Bar failing to pay his dues after two months' written notice from the Secretary is suspended from the right to practice law, and it is then the duty of the Secretary to notify the judges of the Circuit Court, the Chancery Court and the County Court, where there be such, that such member is suspended from the right to practice law, and it is the duty of the judge, when so notified, not to allow a delinquent member of the Bar to appear in his court as a lawyer, and if the Judges and Chancellors would enforce the provisions of this Act all lawyers would pay their dues in compliance with the Act. However, I am sorry to say that only a few of the Judges and Chancellors will enforce it, which makes it necessary for the Commission to take action against the delinquents for disbarment.

In addition to the one hundred twenty-three lawyers who have failed to pay their bar dues, there are many lawyers in Mississippi actually engaged in the practice of law who have not paid their privilege tax, and obtained a privilege to exercise the practice of their profession from one to three years, notwithstanding the severe penalty provided by Section 263 of Senate Bill No. 24, Privilege Tax Law, approved by the Extraordinary Session of the Legislature on December 4th, 1935, which Section imposes a penalty of not more than \$500.00 or imprisonment in the county jail not exceeding six months, or by both, which shall be in addition to any other penalty imposed by any particular section of the Privilege Tax Act, and in addition thereto civil action for the tax and damage may be filed.

I have been unable to get a report from each county, but from 15 counties there have been reported 66 lawyers who wilfully refuse to pay a privilege tax. In so doing, they become both constant and chronic violators of the law and wilful misdemeanants and should be disbarred.

It is my contention that lawyers should be the first to obey the law, and where they do not, it is up to the Bar of Mississippi to see to it that they do obey the law or kick them entirely out of the profession.

Some papers have been severe in their criticism of the legal profession and they have criticised generally without discriminating between ethical and unethical practitioners and while we deplore such criticism, if these papers, so criticising, will cooperate with the Bar Commission and give to it the information with reference to any misconduct of a lawyer, I can assure them that the matter will have prompt and proper attention from the State Bar Commission. However, some would rather criticise than cooperate. We readily concede that there are men practicing law who should be doing something else. The legal profession is not perfect and we concede that there are unethical practitioners. However, I challenge the newspaper profession, the bankers, the merchants, the doctors and the preachers to show us any class of business where they do not have some unethical practices therein. If my memory serves me correctly, and I think it does, only a few years ago a member of the clergy stood upon a sandy beach in California and dived into the Pacific Ocean and about two weeks later came up on a sand bed in Arizona; and upon the lintels of the doors and upon the bed posts of every isolated club house intervening the point of entrance and the point of exit there were finger prints of both male and female. Then, why knock the lawyers?

When the legislature convened last January, the Commissioners authorized me to appoint a committee known as the Legislative Committee, for the purpose of rendering such service as it might to the legislature. On that committee I named Judge G. Garland Lyell, Judge J. Morgan Stevens and Maj. Calvin Wells, and notified the Governor and Chairmen of the various committees of the House and Senate that this committee would be glad to render them such services as it reasonably could. This committee was freely called upon and rendered valuable service and I was told by several of the chairmen that that was the first assistance the Bar had ever offered the legislature.

APPOINTIVE JUDICIARY

At the 1935 Bar meeting in Natchez a resolution was introduced to amend the Constitution so as to take the judges of Mississippi out of politics if possible, and to make Judges appointive by the Governor from a list submitted by the Bar of the State, which resolution, after some discussion, was carried over to be again taken up at this meeting of the Association. (See pages 74-78, *MISSISSIPPI LAW JOURNAL*, October, 1935.) Having introduced this resolution at Natchez I shall not comment thereon at this time, but I urge its serious consideration by this Association for the reasons given by me as appear in the October, 1935, *JOURNAL*, one of which is that the Bar is responsible for the proper functioning of the bench, and if we are responsible for the bench, then we should have the privilege of saying who should occupy the bench.

RESOLUTION TO AMEND BY-LAWS

I desire to call the attention of the Bar to Section IV of the by-laws of the Mississippi State Bar. That Section provides for Study Committees, whose duty it shall be to suggest changes of laws, the enactment of new laws or the repeal of laws, shall make its report and recommendations to the *annual meeting* of the *State Bar*. I suggest an amendment should be made to this Section by the By-laws, authorizing the report of the Study Committee to be made to the State Bar Commission. My reason for suggesting this amendment is that the Commission, as a whole, is composed of honest, honorable, and learned lawyers, who act as a Board of Directors to the Mississippi State Bar and who have, since the existence of the Commission, performed their duties well, and after a study of any given question by a committee from the Bar Commission, it should have the right and authority to recommend legislation touching any particular subject. As it is, this Committee is supposed to report to the annual meeting of the Bar Association, and the Bar Association, at its annual meeting, is supposed to direct whether or not legislation shall be attempted on any particular subject. Therefore, you can see that it will take at least two years, if your committee functions properly, to get any question before the Legislature. In September, 1934, Maj. Calvin Wells, as President of the State Bar, appointed a Study Committee under this particular By-Law, with the Hon. S. E. Travis of Hattiesburg as Chairman of that Study Committee, and although, to my personal knowledge, Mr. Travis has endeavored time and time again to have a meeting of that committee he has failed up to this good day to get a quorum to attend any meeting. He has done all things humanly possible to make that committee function, but to no avail, and it has not reported until this day except the report of Mr. Travis to the Commission that he had been unable to get his committee together. At this rate the Bar of Mississippi will never sponsor any improvement in the Laws of the State. Such an amendment would not take away from the Bar Association at its annual meeting the right to recommend any legislation, but it would only give the Commission an opportunity to have the study made and promptly and properly reported, and then to take such action as it deemed proper without first having to go back to the annual meeting for instructions. Then again, Article IV of the By-Laws runs somewhat contrary to Section 24 of Chapter 121 of Laws of 1932, which provides, that the State Bar, by and through its President, is authorized to recommend legislation relating to courts, to matters of pleading, practice and procedure and any other legislation which will improve the courts and the law or render the Bar more efficient as ministers of justice. To illustrate the disadvantages that are caused by Article IV as it is now written, the Attorney General, during the 1936 session of the legislature, advised me that certain bills were pending in the Legislature which were remedial in their nature and should be passed, but unless I, as the President of the Bar Association, would lend some aid to the passage of these bills, they would

die in the committee room. I did not feel that I would be justified in recommending the passage of these Acts by reason of Article IV of the By-Laws. Therefore, I took no part in the matter and the bills were not passed.

RAISING STANDARDS OF EDUCATION FOR ADMISSION TO THE BAR

The Bar Commission has had before it the question of raising the standard of education for admission to the Bar so as to require the completion of two years of college work and three years in an accredited law school, making the standard in Mississippi the same as that set by the American Bar Association and by many other states of the Union, and after a lengthy consideration and careful study by the commission, that proposal was adopted with only one dissenting vote. I believe that such a step should be taken, for it appears to be an injustice in this day and time to admit a man to the Bar when he is not educationally equipped. He is handicapped in every way, and is not properly prepared to represent his client as he should be represented. The exceptions would be very few indeed.

JUNIOR BAR SECTION

I am fully convinced that the Bar of Mississippi, as well as every other profession, calling or business, must look to its younger members for the advancement of its principles and the honor of the profession. Too many of us older lawyers have become so set in our ways that we do not look with favor upon, or invite innovations or new ideas in our profession, and are too well satisfied to rock along as we have done for many years in the past. It is the younger men of our profession, who have had proper training in their college lives, who must do the work and blaze the paths to higher things in the profession of law. It is the younger men of the profession who are demanding a higher standard of conduct among the lawyers. I have been a member of the Commission since the passage of the Integrated Bar Act of 1932, and out of the two hundred and twenty-three charges lodged against members of the Bar of Mississippi, only one young man who had had the advantages of a college education, and his three years of law, has been charged with misconduct, and knowing that our hope and our future rests entirely upon the shoulders of the young men of the profession, I want to heartily recommend to this Bar Association that there be created at this session a Junior Bar Section in order that the younger men may get together and discuss the problems that confront not only them but us, not hampered or embarrassed by the older men of the profession to whom the younger ones always defer with profound respect.

UNAUTHORIZED PRACTICES

Notwithstanding the fact that the Bar of Mississippi is sometimes severely criticized for not doing its duty with reference to un-

ethical practice, some of our critics are engaged in the unauthorized practice of law.

By Section 3710, Mississippi Code 1930, it is provided:

"Any person who shall for fee or reward or promise, directly or indirectly, write or dictate any paper or instrument of writing, to be filed in any cause or proceeding pending, or to be instituted in any court in this state, or give any counsel, or advice therein, or who shall write or dictate any bill of sale, deed of conveyance, deed of trust, mortgage, contract, or last will and testament, or shall make or certify to any abstract of title to real estate other than his own or in which he may own an interest, shall be held to be engaged in the practice of law. This section shall not, however, prevent *title* or *abstract of title guaranty companies* incorporated under the laws of this state from making abstracts or certifying title to real estate where it acts through some person as agent, authorized under the laws of the State of Mississippi to practice law; nor shall this section prevent any *abstract* company chartered under the laws of the State of Mississippi with a paid up capital of \$50,000.00 or more from making or certifying to abstracts of title to real estate through the president, secretary or other principal officer of such company."

ABSTRACT OF TITLES

There are quite a few abstract companies in Mississippi who make abstracts of title and certify thereto for fees and compensation, and when you take the language of the statute above quoted, unless an abstract company is properly chartered and has a paid up capital of \$50,000.00 or more, it is wholly unauthorized under the statute to make and certify to abstracts. We have no title or abstract of *title guaranty* companies in Mississippi that I know of, and there are only two classes of title companies referred to or authorized in this section; one being a title or abstract of *title guaranty* company; the other being an abstract company with a paid up capital of \$50,000.00 or more, and by this statute a title certified by an abstract company with less than \$50,000.00 paid up capital is outlawed, and abstracts prepared by a title company which is not a *title guaranty* company is likewise outlawed.

TRUST COMPANIES

Quite a few banks have heretofore, through their trust departments, engaged extensively in the practice of law, especially with reference to guardianships and estates of decedents and the preparation of wills. Not only is this a violation of the statute above referred to, but these concerns solicit business of that character extensively, and in so doing take away from the legal profession a great deal of business that such bank or trust company performs for the purpose of obtaining deposits. This is one of the unauthorized practices to which the Mississippi State Bar should put an end.

CLERKS AND JUSTICES OF THE PEACE

A great many of the Justices of the Peace of Mississippi are engaged in the practice of law, in that they undertake to write contracts, trust deeds, etc., and hand out extensively what they think is legal advice which probably rebounds to the benefit of the lawyer, because the advice given by the ordinary Justice of the Peace is always wrong.

The Chancery Clerks are also engaged in the practice of law, largely against their will, however. I have talked with several Chancery Clerks with reference to their preparing contracts, deeds and deeds of trust especially. I am advised by them that in view of the fact there is no law imposing a penalty upon them for so doing it is hard indeed for them to refuse their constituents when they are requested to prepare such papers, and that they would gladly welcome any action taken by the State Bar that would wholly prevent them from doing so. I am also advised by some of the Chancery Clerks that people bring into their offices to be recorded instruments drawn by Justices of the Peace which, if recorded, would be wholly void, and that they in turn are then requested to prepare such an instrument as will be good. I do not blame the Chancery Clerks for their acts in matters of this sort for their tenure in office rests solely in the ballots that are cast by the public, and a great many of the public seek compensation for their votes by requesting the Chancery Clerks to prepare such instruments for them, and do not fail at the time to remind him of the fact that they voted for him.

INSURANCE ADJUSTERS

Under the guise of adjusting losses for both life, fire and tornado insurance companies, the insurance adjuster is largely engaged in the practice of law. He not only hands out advice and prepares instruments, but he causes them to be executed, in some instances, I am told, by threats of law suits, pointing out violations of certain sections of the policy under which the loss occurred, and advises the insured that he cannot recover, but that he will pay him so much in order to adjust the loss. This, to my mind, is one of the most damnable instances of unauthorized practice of law, and I would heartily recommend that some action be taken with reference to this matter. Some of the states have driven them out.

SPLIT DECISIONS

There is a rule or custom which seems to have become law that where the Supreme Court, constituted of an equal number of judges, as our Supreme Court is constituted, on an appeal thereto where the judges are equally divided as to affirmance or reversal of the case, that the case is affirmed, the court considering in that instance that the decision of the lower court from which the appeal was taken is counted as the deciding vote. Please understand that

I do not mean to criticize the Supreme Court, but on the contrary I admire the individual judges for not conceding, for the sake of a decision, the principle in the case for which they stand. However, by an equally divided court the appellant is denied the rights given him under the law, and the benefits which he is supposed to obtain by his appeal to the Supreme Court. The instances are numerous of an equally divided court in this state in both civil and criminal cases. The fault lies in the fact that we have a court consisting of an equal number of judges, whereas, if our court was composed of either five or seven judges, while we would have dissenting opinions, yet we would not have a decision equal to that of a hung jury. In all trials, civil and criminal, in the lower courts, where the jury cannot agree, there is a mistrial entered and a new trial is had before another jury.

It is my humble judgment that some measure should be taken through the legislature, either by changing the constitutional number of judges of the Supreme Court, or by the passage of a statute requiring all cases to be reversed where the appellate court is equally divided on the question.

LIVING PROBATE OF WILLS

A subject well worthy of study by the State Bar, is that of the probation of wills in the lifetime of the testator. Mr. Harry Cutscher, of the New York Bar, has written two very interesting articles on this subject, "Living Probate", one of which was published in the American Bar Association Journal in July, 1935, and one was published in the March issue of the United States Law Review, 1936, and in the July, 1936, issue of the United States Law Review will be found endorsements of these articles from lawyers all over the United States. The scheme briefly is, that the testator make his will and acknowledge it before an officer or have it properly witnessed and then file it with the probate clerk, where it is sealed by him and placed in a vault. The testator may have access to it, withdraw it if he desires, make changes, add codicils, etc., but when these things are done, it is again sealed by the clerk and locked in the vault, and at his death, this will is then spread on the record and proved as wills are now handled, but this will so filed in his lifetime is his will and no other can be presented for probate. A scheme of this sort would go a long way to prevent fraud in the handling of wills, etc., in many instances.

INTERLOCKING ASSOCIATIONS

I call attention to a condition existing, which, if not properly and wisely handled, will probably result in cross-purposes. We have, created by statute, the Mississippi State Bar Association, and to which belongs every practicing lawyer. Under Section 15, the Judges of all courts may belong to the Bar Association and all of them, and properly so, have elected to belong to the Bar Association. Then we have the Chancellors Association, and at one time

we had an association of Circuit Judges, but I do not believe that is active at this time. The members of the Chancellors Association, the Circuit Judge Association or any other association of judges or district attorneys, are all members of the State Bar, which should be considered the parent organization, for it is the only one authorized by statute. The purpose of the Chancellors or Circuit Judge Associations is to promote rules for the government and sponsor legislation for the benefit of a particular court. That is the identical purpose of the Bar Association, except its duties are broader and apply to beneficial legislation and rules applicable to all courts. I recognize the right of a court to fix rules for the government of litigants and trials in that particular court, but the interest of the bar and the interest of the courts are so interlaced that one can scarcely exist without the other. Therefore, I do not believe that these interlocking associations should undertake to sponsor legislation with reference to any particular court, without first obtaining the approval of the Bar Association, either at an annual meeting or through the Commission acting for the association. Interlocking organizations working independently of each other must necessarily bring about a certain amount of confusion. What I have said with reference to this matter is not to be construed as a criticism of any association whatsoever, but is only a word of warning against the independent working or activity of several organizations growing out of one head and to counsel the cooperation and working together in harmony for the benefit of the whole.

CONSOLIDATION OF GOVERNMENTAL UNITS

An article by Dean T. C. Kimbrough, in the June, 1936, Law Journal, on the consolidation of local governmental units, was presented before the American Bar Association at the session just adjourned and was greeted with great applause as being worthy of study and enacted into practice, and presents a question peculiarly adapted to consideration by the bar. As shown by Judge Kimbrough in his article, there are nearly seven thousand governmental agencies in the eighty-two counties in Mississippi, lapping and over-lapping in their jurisdictions.

Counties in Mississippi were created, with reference to their present boundaries, to accommodate the citizens in the horse and buggy days when twenty-five miles was almost an entire day's travel. Since the advent of good roads and automobiles, a twenty-five mile drive is scarcely an appetizer before breakfast. Many people live at least that distance from their offices or places of business and are always there in time to open up for the early morning trade or business. Under present conditions, from two to five counties could be consolidated into one and cut the administrative cost practically half. Legislative and senatorial districts could be created, one from several counties, thereby eliminating at least half of the senators and representatives, cut the cost half and give us three times the efficiency in legislative matters.

The lawyers of Mississippi could render a great service to the people of the state by working out a consolidation system. I realize the fact that this would be a difficult thing to obtain, for the reason that all office holders and office seekers, from Constable up, would oppose such a consolidation scheme. However, if the people of this or any other state would for once turn deaf ears to the voices of politicians and office-seekers and give thought to a scheme of consolidation of local governmental units, they could cut the cost of local government to fifty percent of its present rate.

CONCLUSION

In conclusion, permit me to say, that the Bar of Mississippi is largely composed of men of honor, integrity and ability; and by their concerted efforts can be of great benefit to the citizenry of the state, if our efforts are based upon the high principles becoming the legal profession. But, before these things can be accomplished by the Bar of Mississippi, our lost prestige regained and our high purposes achieved, the unethical and unscrupulous practitioner must be driven from the ranks of our membership, and a proper respect for law, decency and honesty of purpose shown; and the sooner we realize and perform our duty to ourselves and our profession, the sooner we will reach the goal to which we all should aspire. Our profession is both ancient and honorable; with its anciancy we are not concerned, but its honor we must maintain. (Applause).

JUDGE D. W. HOUSTON: Mr. President, fellow members of the Mississippi State Bar, I desire to offer the following Resolutions with regard to Judge Edwin R. Holmes:

WHEREAS, since the organization of the Circuit Court of Appeals of the United States for the Fifth Circuit up to the year 1935, no Mississippian had been appointed as a member of said Court, although all of the other five states, which, along with Mississippi, constitute said circuit, had had representation upon said court, some of which states having had several representatives thereon at different times; and,

WHEREAS, the State of Mississippi was justly entitled to have a representative thereon; and,

WHEREAS, in 1935 our great President appointed Judge Edwin R. Holmes as one of the members of said court; and,

WHEREAS, we have unbounded confidence in the ability, integrity, and probity of character of Judge Holmes, who, for many years before his appointment to said Circuit Court of Appeals, made an *exceptionally* fine record as District Judge of the United States for the State of Mississippi, of which we are justly proud,

NOW, THEREFORE,

BE IT RESOLVED by the Members of the Mississippi State Bar, now assembled and in session at Greenville, Mississippi, as follows:

1. That we unqualifiedly and unreservedly endorse the record of Judge Edwin R. Holmes as said District Judge as being a fair, just, able, and conscientious judge, and also unqualifiedly and unreservedly endorse his appointment to said Circuit Court of Appeals, and cordially and heartily thank our distinguished Attorney General for his recommendation, and our matchless President for his appointment, of Judge Holmes, and those members of the Senate of the United States who voted for his confirmation, and most especially our own great Senator, Pat Harrison, who unflinchingly, unswervingly, and unfalteringly led the fight in behalf of Judge Holmes.

2. Resolved, further, that the Secretary of the Mississippi State Bar transmit a certified copy of these resolutions to the following parties, viz: President Franklin D. Roosevelt, Vice-President John N. Garner, the President of the United States Senate, Hon. Homer Cummings, Attorney General of the United States, Judge Edwin R. Holmes, and Senator Pat Harrison.

Mr. President, and members of the State Bar, in speaking of these resolutions and in moving the adoption by this Mississippi State Bar, I shall not detain you more than two or three minutes, at this time, Mr. President.

I sincerely hope, as I sincerely believe, that this resolution will have no opposition, but, Mr. President, if it does, I might desire to speak some further and perhaps in a different vein thereon. For the present I shall follow that splendid rule, laid down, first I think, by Martin Luther, to stand up, speak up, shut up, and sit down.

This resolution, my friends, analyzed and stated in a sentence or so, merely recites that the great state of Mississippi, prior to 1935, never had a representative or a member of this Circuit Court of Appeals since its organization in 1890; that we are justly entitled to it; that we have unbounded confidence in the ability, the integrity, and the probity of character of Judge Holmes; that we unqualifiedly and unreservedly endorse his record as United States Judge, and before whom all of the members of this Bar perhaps have appeared. And then it thanks the President who appointed, the Attorney-General who recommended, and those who voted for that confirmation, including our own great Senator Harrison, who, as it states, unflinchingly, unswervingly, and unfalteringly fought in behalf of Judge Holmes.

Now, then, it occurs to me that there should be given great consideration to the fact that this is a high and honorable position, and that it brings not only a well merited and richly deserved honor to a worthy Mississippian and to an able judge of greatest integrity, but it occurs to me that great consideration should be given to the fact that it adds to the prestige of our state of Mississippi, and that as a matter of state pride and prestige and patriotism of Mississippians, we should be in favor of the passage of this resolution. But, my friends, I place the passage of this resolution upon

a higher, a firmer, faster foundation: I place it upon the sound, the substantial, the certain foundation of the record of the achievements of Judge Holmes as a judge in this state, his unusual ability, his unquestioned integrity, his superb courage. My friends I indulge in no fulsome flattery, but employ the plain, simple language of sincerity which best accords with the character of the man of whom I speak. I only let my lips speak what is in my heart when I say I have practiced for over forty-eight years before the state and federal judges in Mississippi and of other states, and I have never found a truer, a firmer, or a juster judge than was Judge Edwin R. Holmes. He has always followed the beckoning beam of that star that always lights the right road; he has kept the steady course of honor and the straight path of duty, discharging that duty with no favor to any man or set of men, discharging it in the fear of no man or set of men but in the fear of God alone, and I move, Mr. President, the adoption of this resolution. (Applause).

MAJ. CALVIN WELLS: Mr. President, I second the motion.

VOICE: Question, question.

THE PRESIDENT: The motion has been made and seconded to adopt this resolution. All in favor of the adoption of this resolution let it be known by saying "Aye". All opposed "No". It is unanimously carried. (Applause).

THE PRESIDENT: It is now practically twelve o'clock. What is the pleasure of the Convention? Shall we adjourn until two at this time—Mr. Hardy will be present at two—or shall we take up other business at this time?

MR. DENT: I move that we adjourn until two o'clock.

A VOICE: Second.

THE PRESIDENT: I am requested to ask the Chancellors who are present, to meet in the Chancery Clerk's office here in this building at one-thirty; that comes from Judge Cutrer, the president of that organization.

Then, without anything further, we will stand recessed until two o'clock.

AFTERNOON SESSION

SEPTEMBER 3, 1936

THE PRESIDENT: Let us come to order, please. I will recognize Judge Cutrer.

JUDGE CUTRER: We desire to present to this association rules of procedure adopted by the chancellors of this state. We will ask Mr. Welch, our secretary, to present them.

MR. WELCH: Mr. President, this is a report of the Chancellors' association of the Mississippi State Bar:

REPORT OF THE CHANCELLORS' ASSOCIATION TO THE MISSISSIPPI STATE BAR ASSOCIATION

At the annual meeting of the Mississippi State Bar Association convened at Natchez, Mississippi, pursuant to a request made and publicly announced by Chancellor R. W. Cutrer, the oldest Chancellor in the state in point of continuous service, there was a meeting of the Chancellors in attendance at said meeting, there being present Chancellors R. W. Cutrer, A. B. Amis, Sr., M. B. Montgomery, and D. M. Russell. Chancellor R. W. Cutrer was made chairman. There was an informal discussion of the advisability of organizing the Chancellors into a cooperative functioning organization "having for its primary purpose and objective a comprehensive study of chancery procedural law and the drafting of appropriate statutes on the subject for submission to the Legislature." An organization was effected by the election of Chancellor R. W. Cutrer as President and Chancellor D. M. Russell as Secretary-Treasurer. The annual meeting of the State Bar Association was adopted as the time for the annual meeting of the Chancellors' organization and the President was authorized to call a special meeting of the Chancellors to convene at Jackson to consider matters properly coming before the Association. The meeting at Jackson was convened at the court house of Hinds County in the office of the Chancellor beginning at ten o'clock A. M. on Monday, January 6th, there being present at the said meeting Chancellors R. W. Cutrer, A. B. Amis, Sr., Ben Stevens, V. J. Stricker, M. B. Montgomery, R. E. Jackson, N. R. Sledge, J. A. Finley, T. P. Guyton and D. M. Russell. A permanent organization was effected and Chancellor R. W. Cutrer was elected President of the Association and W. S. Welch, executive Secretary. Prior to the meeting, there had been sent to each of the Chancellors in the state copies of bills drafted and proposed to be submitted to the Legislature at the 1936 session thereof. The several bills so drafted were considered and discussed and each of the several proposed acts was approved. Chancellors present made suggestions as to further legislative acts and on motion a special legislative committee composed of Chancellors A. B. Amis, Sr., D. M. Russell, V. J. Stricker, T. P. Guyton, and M. B. Montgomery was appointed. The legislative committee so appointed convened at Jackson on Tuesday, February 11th, and spent the entire day in consideration of proposed bills to be submitted to the Legislature.

Proposed bills that were objected to by any chancellor were rejected. Chancellor Amis was instructed by the committee to place the bills approved in the hands of some member of the Legislature. Of the bills so sponsored, the following bills became a law by legislative enactment: 1. House Bill No. 315, "An act to amend Section 1892, Miss. Code of 1930, so as to provide for the termination of guardianship proceedings where the personal property of the ward does not exceed the sum or value of \$300.00." 2. House Bill No. 316, "An act to amend Section 725, Miss. Code of 1930, so as to require the court reporter to transcribe and file his

notes within sixty days after the filing and approval of appeal bonds in all cases where bond is required for an appeal." 3. House Bill No. 317, "An act to empower the executor, administrator of partnership estates to sell, with the approval of the Chancellor, the deceased partner's interest in partnership estate." 4. House Bill No. 318, "An act to amend Section 1710, Miss. Code of 1930, so as to provide that the court or Chancellor may authorize the sale of claims at any time after the expiration of six months upon the granting of letters, instead of twelve months as heretofore." 5. House Bill No. 320, "An act prescribing the procedure for the punishment and removal, either or both, of delinquent or defaulting executors, administrators, guardians, receivers and other fiduciaries appointed by the chancery court." 6. House Bill No. 321, "An act to amend Section 1626 of the Miss. Code of 1930, so as to authorize the court or Chancellor to direct the payment of debts, distribution of the estate after the expiration of six months from the grant of letters instead of twelve months as heretofore." 7. House Bill No. 322, "An act to amend Section 1649, Miss. Code of 1930, so as to authorize a summary preceeding before the court or Chancellor for the discovery of assets of a decedent estate and the facts in regard to adverse claim thereto." 8. House Bill No. 323, "An act to amend Section 1728, Miss. Code of 1930, so as not to require creditors to refile with the clerk claims which have been duly probated and registered and ordered to be entitled to have the same examined and allowed when the estate is insolvent." 9. House Bill No. 324, "An act to safeguard the use, ownership and investment of trust funds in the hands of fiduciaries appointed by, or acting pursuant to the authority of the chancery court." 10. House Bill No. 326, "An act providing how a defendant may waive the service of process and/or enter an appearance in civil causes without filing any pleading therein."

Bills proposed and not enacted into law by the Legislature were as follows:

1. "An act to amend Section 223 of the Miss. Code of 1930 so as to empower the Circuit or Chancery Court of each County, or the Judge thereof in vacation, to enforce compliance with the requirements thereof."

2. "An act authorizing the court or the Chancellor to allow guardians credit for reasonable expenditures for the support, education and maintenance of their wards, made without previous order of the court and providing the procedure to be followed in procuring such allowance."

3. "An act requiring executors, administrators, guardians and other fiduciaries to append to each annual account, as a part thereof, a statement showing certain information concerning the estates in their hands or under their control."

4. "An act to abolish the practice of setting down causes for hearing in Chancery Court."

5. "An act to amend Section 399 of the Miss. Code of 1930 so as to provide that causes in Chancery shall not be triable until after the expiration of thirty days from the due date of the answer to a cross bill or other pleading seeking affirmative relief, and to clarify exceptions to the thirty day period of delay."

At the general meeting at Jackson on January 6, 1936, the adoption of uniform rules of court by the Association of the Chancellors was considered, and the President was empowered and authorized to appoint a committee of five members of the Association of Chancellors to make a special study of uniform rules and report the same to the next meeting of the Association at Greenville. The committee as appointed by Chancellor Cutrer is composed of the following: Chancellors A. B. Amis, Sr., N. R. Sledge, D. M. Russell, R. E. Jackson and Ben Stevens. On the resignation of Chancellor Sledge, Chancellor L. A. Smith, Sr., was appointed in his stead.

Chancellor A. B. Amis, Sr., after a conference with other Chancellors of the State and after an exchange of letters with all of the Chancellors, prepared rules for consideration by the special committee. A meeting of the special committee was called to convene at the Edwards Hotel at Jackson, Mississippi, Friday, August 14, 1936, for a consideration of the rules. The secretary of the Association was requested to attend the meeting. Hon. A. B. Amis, Sr., Hon. D. M. Russell, Hon. Ben Stevens, and the secretary, were present. Chancellors R. E. Jackson and L. A. Smith, Sr., were unavoidably detained and could not be present. The entire day was spent in consideration of the proposed rules, which with modifications were submitted to the Association for consideration at the meeting in Greenville called for Wednesday, September 2nd at six o'clock P. M. at Hotel Greenville. The Rules as adopted are attached hereto and are made a part of this report.

(Signed) R. W. CUTRER,
President, Chancellors Association.

(Signed) W. S. WELCH,
Secretary, Chancellors Association.

REPORT OF THE COMMITTEE ON UNIFORM RULES OF PRACTICE AND PROCEDURE IN THE CHANCERY COURTS OF MISSISSIPPI

TO THE CHANCELLORS' ASSOCIATION:

Gentlemen:

Pursuant to a resolution adopted by the Chancellors' Association at its meeting in Jackson on the first Monday of January, 1936, the President appointed a committee of five Chancellors to draft and submit for your consideration a code of uniform rules of practice and procedure in the Chancery Courts of Mississippi. Pursuant to that resolution and appointment your committee begs leave to

report that it has to the best of its skill and ability drafted sixty-six rules for your consideration, a copy of which is hereto attached.

The proposed rules are intended to cover the former rules adopted by the Chancellors in 1921, but to make such changes in them as the Practice Act of 1924 has made appropriate; and also to put into the form of definite rules many of the features of procedural law which are already embedded in the decisions of our Supreme Court, and to bring forward some appropriate new suggestions which the Chancellors are authorized to adopt under section 749 of the Code of 1930.

The reason for putting into the form of definite rules many of the features of procedural law which are embedded in the decisions of our Supreme Court is that a considerable number of lawyers, especially among the younger element thereof, are not familiar with the rules so announced; and the adoption of definite rules in regard thereto will make such matters of procedure readily available to them as well as to all other practitioners before the court. Another reason for the adoption of many of the proposed rules is that when adopted, the rules would be equally binding on the court or chancellor as well as on the solicitor practicing before the court.

We have heretofore caused a copy of the proposed rules to be sent to each Chancellor so that he might know what the report of this committee would be before coming to this meeting. We deem it unnecessary therefore to say more here, than that in our opinion the proposed rules, if adopted, would go far toward improving the practice and making it uniform throughout the state.

Your committee suggests that these rules, or such of them as may be adopted, be made effective on and after January 1, 1937 by an appropriate order to be signed by all of the Chancellors, and that the President of this Association shall report to the present Convention of the State Bar the fact of the adoption of these rules with a request that the rules so adopted and the order putting them into force be published in the Law Journal as a part of the proceedings of the State Bar Convention. Your committee further suggests that the Secretary of this Association be directed to procure the publication of the rules so adopted in a volume of the Mississippi Reports and a volume of the Southern Reporter.

Respectfully submitted,

(Signed) A. B. AMIS, Sr.,
Chairman for Committee.

UNIFORM RULES OF PRACTICE AND PROCEDURE IN THE CHANCERY COURTS OF MISSISSIPPI

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RULES CONCERNING COURT PROCEEDINGS

- Rule 1.—PROCEEDINGS MUST BE ORDERLY AND DIGNIFIED. All proceedings in the Chancery Court, whether in term time or vacation, shall be conducted with due formality and in an orderly and dignified manner, without disturbance or confusion of any sort. The counsel, parties and witnesses, must be respectful to the court and to each other. Bickering or wrangling between counsel or between counsel and witness will not be tolerated. Applause or demonstrations of approval or disapproval, and the use of profane or indecent language in

the presence of the court, are prohibited. In addressing the court during a trial or argument counsel should use the customary phrases, and should not address him by name or as "Judge" or "Chancellor". While reading any book or paper to the court, or making any argument, counsel should stand, unless specially excused from so doing by the Chancellor.

- Rule 2.—OFFICERS MUST BE PRESENT IN COURT. During a term of court the sheriff and clerk, in person or by competent deputies, must be present in the court room when the court is in session, to perform such duties as may be required of them by law or the direction of the Chancellor. The court reporter shall be present in person at each term, and at such other times and places in vacation as the Chancellor may direct, to perform the duties of court reporter.
- Rule 3.—SHERIFF MUST KEEP COURT ROOM CLEAN AND COMFORTABLE. During each term of court the sheriff must see that the court room, library, judge's chamber, witness rooms and toilets are kept in a clean and comfortable condition.
- Rule 4.—CLERK MUST HAVE PAPERS AND DOCKETS IN COURT ROOM. The clerk shall, during each day of the term while the court is in session, have and keep in the court room, or in an office adjoining, the file of papers in each matter or cause then pending in the court, and also all dockets he is required to keep, including the general docket.
- Rule 5.—OFFICERS, WITNESSES AND SOLICITORS MUST BE PROMPT. When any matter or cause has been set for, or adjourned to, a particular day or hour, all officers, parties, witnesses and solicitors whose presence is necessary for the trial shall be on hand promptly at the time fixed. Any negligent or wilful failure to obey this rule which shall cause delay shall be punished by such fine as to the Chancellor may appear to be commensurate with the particular offense.

RULES CONCERNING PLEADINGS

- Rule 6.—ADDRESS OF PLEADINGS. The address of all pleadings, accounts and other papers filed in any cause or proceeding shall be to the Chancery Court of the County, and not to the Chancellor.
- Rule 7.—PLEADINGS MUST BE FILED BEFORE PRESENTED. All pleadings, accounts and other papers in any cause or proceeding must be filed with the clerk of the proper

court before being presented for consideration or decree thereon. But bills or petitions for the issuance of writs of *ne exeat*, injunction or *habeas corpus*, or petitions concerning any matter to be heard in vacation, wherein a fiat, as distinguished from a decree, or decretal order, is requested, may be presented to the Chancellor, for his fiat, or for his direction setting the same for hearing, before being filed.

Rule 8.—PLEADINGS MUST BE ENDORSED. Every pleading, account or other paper in any cause or proceeding shall, before it is offered to the clerk for filing, have endorsed on the back thereof the style of the cause of proceeding, the nature of the pleading or paper, whether original bill for divorce, petition for sale of land, demurrer, answer, or the like, and the name of the person or persons offering the same for filing. And the clerk shall not receive or file any paper not so endorsed.

Rule 9.—BLANKS IN PLEADINGS MUST BE FILLED IN. All blanks contained in any pleading must be properly filled in according to the fact or facts before being filed with the clerk or presented for consideration by the Court or Chancellor. If the pleader does not know, and is unable to learn, the necessary fact or facts to enable him to fill in such blanks accurately, he must so state in his pleading.

Rule 10.—PLEADINGS MUST BE PARAGRAPHED. Each of the several facts on which a complainant may rely for relief, shall be set forth in his bill of complaint in a separate paragraph, so far as can be conveniently done, and each paragraph shall be numbered consecutively. The defendant shall answer the bill in like numerical order, and may plead to the fact or facts stated in each such paragraph of the bill, any proper affirmative defense thereto. Or the defendant may answer the bill paragraphically, and then plead such affirmative matters of defense to the bill as a whole as he may deem advisable or proper. But in such case each of the several facts relied on as an affirmative defense shall be stated in a separate paragraph, so far as can be conveniently done, and so lettered consecutively as to distinguish the matters therein pleaded from those previously admitted or denied in response to the bill. And the same rule shall be observed in regard to cross bills and answers thereto. Any failure to comply with this rule may be taken advantage of by motion to strike such defective pleading.

Rule 11.—DELAY IN ANSWERING. If after a cause is otherwise triable by law the defendant shall obtain leave to answer the bill and thereby delay the trial beyond the

term, he shall, on motion of the complainant, be taxed with all costs accrued to the time of granting such leave, unless good cause be shown why it would be inequitable so to do.

Rule 12.—AMENDMENTS DURING TRIAL TERM. Where either party during the term at which a cause is triable, or during the trial thereof, shall obtain leave to amend his pleadings concerning any material matter, which the opposite party is not prepared to meet, such opposite party shall, if he so requests, be entitled to a continuance, and the party so making such amendment shall, on motion of the opposite party, be taxed with all costs accrued to the time of granting such leave, unless special circumstances of the case make it inequitable so to do.

Rule 13.—TRIAL NOT DELAYED BECAUSE DEMURRER IS OVERRULED. The complainant shall not be delayed of a trial in any case because a demurrer is overruled. If, in such a case, the defendant has failed to file his answer with his demurrer, he shall, if the complainant so insists, be required to answer within such time as will not delay the trial beyond the term.

Rule 14.—WHEN ANSWER IN DIVORCE CASE REQUIRED. Where the wife is defendant in a divorce suit she must file her answer or other proper defense to the bill before presenting her application for suit money or attorney's fees. In no case will suit money or attorney's fees be allowed unless it shall appear that she intends, in good faith, to defend the suit.

Rule 15.—MOTIONS FOR SECURITY FOR COSTS. All motions for security for costs must be filed and presented not later than the second day of the term next after process has been served on the movant. Otherwise such motion will be overruled unless good cause be shown why this rule was not complied with.

RULES CONCERNING TRIALS

Rule 16.—CAUSES SET FOR TRIAL. ORDER OF PRECEDENCE. On the first day of the term, or at such other time as the Chancellor may designate, the docket will be called and all litigated matters or causes will, on request of counsel, be set for trial on a day certain during the term. Cases set for trial shall have precedence over cases not set. No case so set will be tried until on or after the day it is set for trial, except by consent. The Court will try all cases so set in the order of their setting; and if any case is not reached on the day it is set for, it shall have precedence over all cases set for subsequent days of the term. If a case has been set for

trial, and for any reason is not tried when reached, it shall lose its precedence over all cases that may have been set, but shall retain its precedence over cases that have not been set. The Chancellor may, if deemed advisable, reset the docket during the term. Probate matters, causes heard *ex parte*, and cases not set for a day certain will be heard at any time during the term when the court is not otherwise engaged.

Rule 17.—STALE CASES DISMISSED ON CALL OF DOCKET.

When the docket is called for setting cases for trial the Chancellor may, in his discretion and of his own motion, dismiss for want of prosecution, all cases that have been continued at the instance of the complainant, or by consent, for two or more terms unless the same be then set for trial on a day certain of that term.

Rule 18.—VACATION BUSINESS. RULE OF PRECEDENCE.

Where the Chancellor has, by order or custom, set apart one day of each week for hearing vacation matters at his office in the City or Town of his residence, all vacation matters coming before him at such time and place shall have precedence over all the business of any term of court that may be then in session, and not finally adjourned. At all other times during any term of court the business of the term shall have precedence over all vacation matters presented to the Chancellor from other counties.

Rule 19.—WHEN RULE IS INVOKED. WHAT REQUIRED.

Where the rule is invoked on the trial of any cause the interested parties or their representatives who may be excused therefrom must testify before any other witness is offered in his or their behalf, or must retire from the court room during the examination of his or their witnesses. In case there be several complainants or defendants the rule shall apply to them while their co-complainants or co-defendants are testifying.

Rule 20.—CORROBORATION, WHEN REQUIRED.

In all uncontested divorce cases, and all other matters *ex parte*, where under the practice of the court proof is required, the testimony of the complainant or petitioner seeking relief, must be substantially corroborated by other witnesses, in all cases where from the nature of the case, the allegations of the bill or petition, or the testimony of the complainant or petitioner, it shall reasonably appear that other persons know the truth about the matters of fact in question.

Rule 21.—CLOUD OF WITNESSES. WHAT DONE.

The practice of summoning numerous witnesses to prove the same fact or set of facts often serves merely to increase

the costs and consume the time of the Court. In such cases the Court or Chancellor may, in his discretion, tax the per diem and mileage of all such unnecessary witnesses against the party causing them to be summoned whether they be called to testify or not. And in all cases the mileage and per diem of all witnesses who are not called to testify shall be taxed against the party causing them to be summoned, unless good cause to the contrary be shown.

Rule 22.—EXAMINATION OF WITNESSES. The examination of witnesses shall be limited to the direct examination, the cross examination, and the re-direct examination concerning matters brought out on cross examination. But counsel for either party may be permitted, on request, to inquire about new matters pertinent to the issues, which may have been inadvertently omitted, in which event opposing counsel may also inquire concerning the same matter. In all cases the examination must be conducted in an orderly and decorous manner without interruption from opposing counsel, except for the purpose of interposing objections. Counsel and the witness must be courteous to each other, and in no event will the examination be permitted to degenerate into a wrangle. If a witness shall attempt to evade answering any proper question the Court will, on request of counsel, require the witness to answer.

Rule 23.—OBJECTIONS TO TESTIMONY. RULINGS THEREON. All objections to testimony must be made to the Chancellor, not to opposing counsel. The objection must be specific rather than general. If requested by the Chancellor counsel offering the testimony must state the purpose for which it is offered and counsel objecting thereto must state the reasons for his objection. If the objection be overruled counsel may enter a general objection to all other testimony about the same matter with the same effect as if he had objected to each question in reference thereto. If the objection be sustained for any reason other than to the form of the question, counsel may not ask any further questions about the same matter. If the Chancellor shall in any case, reserve his ruling, counsel interposing the objection shall make a note thereof and renew his objection at the conclusion of the testimony, otherwise he shall be deemed to have waived his objection. No exception to the ruling of the Court need be made by counsel or noted by the court reporter.

Rule 24.—DEPOSITIONS AND EXHIBITS OFFERED IN EVIDENCE. WHAT DONE. It shall be the duty of the court reporter to make a note in the stenographic rec-

ord of all depositions offered in evidence in the order of their introduction, and also a note of all exhibits and the order in which they were offered, and to mark them for identification. When a deposition or exhibit has been offered in evidence it shall be delivered to the court reporter who shall safely keep it during the trial. When the trial is concluded the court reporter shall securely bind all such depositions and exhibits together, in the order of their introduction in evidence, and deliver them to the Clerk of the Court where such matter or cause was pending, who shall thereafter safely keep the same. No person may take any such deposition or exhibit from the custody of the court reporter or clerk, as the case may be, after the same has been offered in evidence.

Rule 25.—EXAMINATION OF ADVERSARY WITNESS. If either party shall call his adversary as a witness he may inquire about any matters pertinent to the issues as though such witness were on cross examination. At the conclusion of such examination such adversary witness may be examined by his own counsel or withdrawn and offered as a witness in his own behalf at a later stage of the trial. But in neither case may counsel for such adversary witness exercise any of the privileges of cross examination. If such adversary witness be present at the trial it shall not be necessary to have him summoned as a witness before calling him to testify.

Rule 26.—ONLY ONE SOLICITOR FOR EACH PARTY MAY EXAMINE WITNESS. Only one solicitor for each party to the cause may examine any witness except by permission of the Chancellor. And where several complainants or defendants whose rights and interests are identical shall employ different solicitors the same rule shall apply. But where several complainants or defendants whose rights and interests are separate and distinct have employed different solicitors, then one solicitor for each of such several sets of complainants or defendants may examine any witness.

Rule 27.—LEADING QUESTIONS PROHIBITED IN MATTERS HEARD EX PARTE. In all uncontested divorce cases and other matters heard *ex parte*, counsel for the complainant or petitioner seeking relief, must not ask leading questions nor exercise any of the privileges of cross examination.

Rule 28.—CONFERENCE WITH WITNESSES. Counsel for each party shall confer with his witnesses before beginning the taking of testimony in behalf of his client. But this rule shall not apply to witnesses who are inaccessible before that time.

- Rule 29.—**AGREEMENTS OF COUNSEL.** Oral agreements of counsel may be made in the presence of the Court and noted on his docket, or an order then entered in accordance therewith. Agreements made during the progress of a trial may be dictated to the court reporter and noted in the stenographic record. All other agreements should be reduced to writing and filed among the papers in the case. The Chancellor will not decide any dispute between counsel concerning any oral agreement not so made in his presence nor noted in the stenographic record, nor undertake to enforce it in any respect.
- Rule 30.—**EARWIGGING THE CHANCELLOR PROHIBITED.** No person shall undertake to discuss with or in the presence or hearing of the Chancellor the law or the facts or alleged facts of any litigated cause then pending in the court or likely to be instituted therein, except in the orderly progress of the trial, and arguments or briefs connected therewith; nor attempt in any manner except as above stated, to influence his decision in any such cause or matter. Any person who shall violate this rule, knowing that such conduct is prohibited, shall be guilty of a contempt.
- Rule 31.—**ARGUMENT OF COUNSEL.** The Court or Chancellor may dispense with argument in any case; but he may require counsel to argue or brief the law and facts, either or both, in any cause or matter, and shall not be bound to decide the same until that duty has been performed to his satisfaction. And in all cases counsel must be prepared to argue the case as soon as the taking of testimony is concluded. The Court or Chancellor may specify the points of law or fact on which he desires argument and regulate the order and limit the length of oral arguments. In all cases where briefs are requested by the Chancellor copies thereof must be delivered in person or by mail, to opposing counsel. Any negligent or wilful failure on the part of counsel to fully argue or brief any question when requested by the Chancellor will be considered a grave discourtesy.
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RULES CONCERNING OPINIONS

- Rule 32.—**HOW CHAPTER 252 LAWS OF 1934 MAY BE AVAILABLE OF.** In all cases where it is desired that the Chancellor shall find the facts specially and state separately his conclusions of law thereon, a request therefor must be made either in writing, filed among the papers in the cause, or dictated into the court reporter's record and called to the attention of the Chancellor before he has decided the case; otherwise the right to such finding

shall be deemed to have been waived. And if after such request has been made the Chancellor shall render an opinion either oral or written, then such opinion shall be held to be a sufficient finding under the requirements of the statute, unless before a decree based on such opinion is signed a written request be filed and presented to the Chancellor for additional findings stating specifically the points of ultimate fact and law upon which such additional findings are desired. But such request shall not contain any argument or brief; nor will any argument be heard thereon unless requested by the Chancellor.

Rule 33.—OPINION A PART OF RECORD. The Chancellor shall not be bound to render a formal opinion in deciding any cause except as required by the preceding rule; but he may, at his election, render an opinion either orally or in writing. If he shall render an oral opinion it shall be taken down by the court reporter who shall transcribe the same and submit it to the Chancellor for correction and approval. In either event the opinion so rendered shall be filed among the papers and become a part of the record in the cause without any order or direction to that effect.

Rule 34.—NO INTERRUPTION WHILE RENDERING OPINION. While the Chancellor is rendering an oral opinion in any matter or cause he shall not be interrupted by any one. After he has concluded, counsel for either party may make such suggestions or request such further findings of law or fact as may be deemed proper. But the right to make such suggestions or requests shall not be construed to give the right to reargue the case or any part thereof. If the Chancellor desires reargument in whole or in part he will request it.

RULES CONCERNING DECREES

Rule 35.—DECREES. FORM OF CAPTION. Every decree shall show the number and style of the cause at the top and have a caption showing the nature thereof, whether decree pro confesso, decree approving second annual account, final decree of divorce, or as the case may be.

Rule 36.—DECREES. CONTENTS AND FORM. Every decree shall adjudicate such facts as to show that the Court has lawful authority to render it, and every final decree shall dispose of all the material issues presented by the pleadings. In every case where relief is granted the several items or elements thereof shall be stated in a separate paragraph, which shall be numbered consecu-

tively from one upward. Every decree shall be so drawn as to be definite and certain in all its terms and provisions. In all litigated cases the final decree shall tax the costs as the Chancellor may require and direct the issuance of appropriate process for its enforcement. No exception to the action of the court may be embraced in any decree, but the party adversely affected thereby shall be deemed to have duly excepted thereto.

Rule 37.—**CONSENT DECREES MUST BE OKEHED.** Every consent decree must be okehed by counsel for all parties to the suit who may be interested in or affected thereby before being presented to the Chancellor for his signature.

Rule 38.—**DECREES MUST BE SUBMITTED TO OPPOSING COUNSEL WHEN.** In all litigated matters or causes the solicitor who shall draw the decree shall submit the same to opposing counsel for criticism before presenting it to the Chancellor for his signature.

Rule 39.—**DECREES MUST BE PROMPTLY PRESENTED TO THE CHANCELLOR.** When the Chancellor has announced his decision in any cause or matter, counsel in whose favor the decision may be shall promptly prepare and present a decree for his signature.

Rule 40.—**DECREES MUST BE DELIVERED TO CLERK.** As soon as a decree has been signed by the Chancellor it shall be promptly delivered to the clerk of the proper court for record in the minute book. Any person to whom any decree may be entrusted by the Chancellor for delivery to the clerk, who shall either wilfully or negligently fail to promptly deliver it to the clerk shall be guilty of a contempt.

RULES CONCERNING PROBATE MATTERS

Rule 41.—**SOLICITOR MUST BE RETAINED.** Every executor, administrator and guardian must, unless he is licensed to practice law, retain a solicitor or firm of solicitors to represent, advise and assist him during the whole term of his office, whose compensation will be fixed or approved by the Court or Chancellor. When a solicitor has once appeared for such a fiduciary, in any matter or cause, he may not withdraw or abandon the employment, except by consent of the Court or Chancellor, as well as the client. However, if he shall be or become negligent or unfaithful, in any respect, he may, with the consent of the Court or Chancellor, be discharged. But the practice of employing different solicitors, at the will

of the fiduciary, during the course of the administration will not be tolerated.

Rule 42.—FIDUCIARIES AND SOLICITORS MUST BE DILIGENT. Every executor, administrator and guardian must be diligent in the performance of his duties; and his solicitor must see to it that publication for creditors is promptly made, that inventories, appraisements, accounts and all other reports and proceedings, are made, done, filed and presented within the time required by law, and that the estates of decedents are wound up and distributed as speedily as may be reasonably possible. For any failure to observe this rule the Court or Chancellor will impose appropriate penalties.

Rule 43.—CLERK TO MAKE LIST OF PROBATE MATTERS PRIOR TO EACH TERM. At least two weeks prior to each regular term of court, or of the probate term when so designated by special order, the clerk shall make up, in numerical order, a complete list of all probate matters or causes then pending in the court wherein inventories or appraisements then due have not been filed, or wherein annual or final accounts are due or will become due at such term; and shall also notify, by mail, each attorney of record and each executor, administrator and guardian of those matters requiring his attention at that term. And such list showing what is due in each such matter or cause, and the name of the solicitor, shall be delivered to the Chancellor on the first day of the term.

Rule 44.—MONEY AND SECURITIES OF ESTATES MUST BE KEPT IN BANK. All money belonging to the estate of any ward or decedent shall be kept on deposit, to the credit of the executor, administrator or guardian, as the case may be, and all stock certificates, bonds, and other securities negotiable by delivery, belonging thereto, shall be kept in a safety deposit box, in some solvent bank in this state.

Rule 45.—STATEMENT APPENDED TO ANNUAL ACCOUNTS. Every executor, administrator or guardian shall append to each annual account, as a part thereof, a list or statement of all assets, real and personal, of the estate then in his hands or under his control. And if any part thereof shall consist of money, bonds or other securities negotiable by delivery, then such statement shall also show the name of the bank where the same is deposited or kept, to which shall be attached a certificate signed by an officer of the bank that such money and bonds or other securities are then on deposit or kept in such bank. In case any of such assets shall consist of loans made by him, or his predecessor in office, then such

statement shall show to whom and when each such loan was made, the amount remaining unpaid, how secured, whether all taxes have been paid on the property mortgaged or pledged as security for the loan, and whether or not in his opinion the security is sufficient.

- Rule 46.—**WHAT VOUCHERS MUST SHOW.** Every disbursement shown by any account of an executor, administrator or guardian must be supported by proper vouchers, which shall conform to the requirements of section 1733 of the Code of 1930. Every such voucher shall consist of a receipt or cancelled bank check showing to whom and for what purpose the money was paid; and if paid under an order of the Court or Chancellor, that fact shall be stated on the voucher, showing the date thereof and the minute book and page where recorded. All vouchers for claims paid which arose during the lifetime of a decedent or the sanity of a lunatic shall show that the claim was properly probated, allowed and registered.
- Rule 47.—**LOST VOUCHERS. HOW SUBSTITUTED.** In case of the loss or destruction of any original voucher the executor, administrator or guardian may procure and present for allowance a duplicate receipt from the person or corporation to whom the money was paid or the property was delivered, which shall show on its face that it is a duplicate of the original voucher so lost or destroyed. In case he shall, for any reason, be unable to procure such duplicate he may present for allowance a copy of such lost or destroyed voucher, and make proof of the fact of the payment of the money or delivery of the property shown thereby; and also the loss or destruction of the original voucher and why he is unable to procure a duplicate. Thereupon the Court or Chancellor may, if the proof be sufficient, enter a special decree declaring such copy to be a legal voucher for such payment of money or delivery of property, as the case may be, and allow the same as though the original had been produced.
- Rule 48.—**CLAIMS ARISING AFTER DEATH OF DECEDENT.** Claims arising after the death of a decedent, such as funeral bills, expenditures for monuments, attorney's fees, widow's allowance, and the like must be approved by the Court or Chancellor before payment, otherwise payment thereof will be at the risk of subsequent approval by the Court or Chancellor as to the propriety or reasonableness thereof.
- Rule 49.—**ALLOWANCE FOR SUPPORT OF WARD.** Every petition for an allowance for the support of a ward shall show the amount of his estate then on hand, the amount

of his monthly or yearly income, the amount of the previous allowance, if any, and the reasons for making the particular allowance.

Rule 50.—PETITIONS FOR AUTHORITY TO MAKE LOANS OR INVESTMENTS. Every petition for authority to loan or invest the funds of a ward, shall show the amount to be loaned or invested, the kind and description of the security offered or investment proposed and the value thereof; and in case of a loan to whom and the time for which it is to be made, and the rate of interest it is to bear. In all cases where a loan is proposed the affidavits of two or more credible persons touching the value of the security offered must be attached to the petition or filed with the papers in the cause, or witnesses produced before the Court or Chancellor.

Rule 51.—PETITIONS FOR AUTHORITY TO COMPROMISE CLAIMS FOR WRONGFUL DEATH OR INJURY. Every petition for authority to compromise and settle a claim for wrongful death or injury, shall set forth the facts in relation thereto and the reason for such compromise and settlement and the amount thereof. The material witnesses touching the facts concerning the injury or death and the damages resulting therefrom, shall be produced before the Chancellor for examination. Where counsel representing the petitioner has investigated the matter and advised settlement, he shall also appear and give testimony touching the result of his investigations.

Rule 52.—PETITIONS FOR COMMISSIONS. Every petition by an executor, administrator, or guardian for the allowance of commissions, or for compensation for extra services and expenses, shall show the total amount of the estate coming into his hands, the total amount disbursed, the balance on hand, the nature and extent of the service rendered and expense incurred by him, and the total amount theretofore allowed to him on account thereof.

Rule 53.—PETITIONS FOR ALLOWANCE OF ATTORNEY'S FEES. Every petition by an executor, administrator or guardian for the allowance of attorney's fees for services rendered in the matter of the administration of an estate or guardianship, shall set forth the same facts as required by the last preceding rule, and in addition thereto whether or not any agreement, express or implied, has been had touching his compensation, and if so, the nature and effect thereof. If the petition be for the allowance of fees for recovering damages for wrongful death or injury, or other claim due the estate, the petition shall show the total amount recovered, the na-

ture and extent of the service rendered, and expense incurred by the attorney, and the amount, if any, offered in compromise before the attorney was employed in the matter. In such cases the amount allowed as attorney's fees will be fixed by the Chancellor at such sum as will be reasonable compensation for the service rendered and expense incurred without being bound by any contract made with any unauthorized persons.

- Rule 54.—ACCOUNTS AND PETITIONS MUST BE SWORN TO. Every account, report, or petition filed by an executor, administrator or guardian shall be personally signed and sworn to by him. And if required by the Court or Chancellor he must produce proof touching the truth of the facts therein stated.
- Rule 55.—COURT COSTS MUST BE PAID ANNUALLY. Every executor, administrator, and guardian shall, prior to filing each annual account pay all court costs accrued to that time and present the clerk's receipted cost bill as a voucher therefor.

RULES CONCERNING VACATION MATTERS

- Rule 56.—WHAT PART OF RECORD PRESENTED FOR VACATION HEARING. Where any matter is presented for decree in vacation, whether by counsel in person or by mail, the Chancellor shall be furnished such preceding orders, reports, process, proofs of publication, and other papers as will give him full information in regard to the matter concerning which a decree is desired. And if the matter be the validation of bonds, the confirmation of a sale in vacation, or other matter where any person has a right to protest, then a certificate signed by the Clerk that no protest has been filed must also be furnished.
- Rule 57.—RETURN ENVELOPE MUST BE ENCLOSED. When any attorney or clerk shall forward papers to the Chancellor in vacation for decree and return, a self-addressed stamped envelope shall be enclosed for the return thereof to the clerk by the Chancellor. If the attorney shall desire a copy of the decree returned to him he shall furnish such copy and self-addressed stamped envelope for the return thereof. All mail sent to the Chancellor should be fully prepaid.
- Rule 58.—PRELIMINARY INJUNCTION NOT GRANTED WITHOUT NOTICE. No preliminary injunction on *ex parte* application will be granted without a citation upon or notice to the defendant giving a reasonable opportunity to him to be heard in opposition thereto, save only in

such cases where it is either wholly impracticable to give such notice, or else the circumstances are so extremely urgent as to permit of no delay.

Rule 59.—REMOVAL OF DISABILITY. In all cases for the removal of the disability of a resident minor, the minor must be produced before the Court or Chancellor for observation and examination unless specially excused from so doing. Except in extraordinary and exceptional cases the Court or Chancellor will decline to remove the disability of any minor who is under sixteen years of age. In all such cases oral proof or affidavits must be produced.

RULES CONCERNING DUTIES OF THE CLERK

Rule 60.—ALL PAPERS FILED MUST BE NOTED ON THE GENERAL DOCKET. Immediately after filing each paper in any cause or proceeding the Clerk shall make a note or memorandum thereof on the general docket, and shall then place such paper in the jacket or folder containing the papers in that particular case.

Rule 61.—ALL PAPERS MUST BE KEPT IN PROPER FILES. The Clerk shall place and keep all papers pertaining to each case in a separate jacket or folder, and all papers pertaining to the same case shall be kept in the same jacket or folder. The Clerk shall place and keep the jackets or folders containing the papers in a filing case in the clerk's office, or vault, in numerical order reckoning from one upward, and not otherwise.

Rule 62.—THE CLERK MUST SAFELY KEEP ALL PAPERS. The clerk shall not permit any person, except an attorney interested therein, to take any papers or file of papers, in a pending case, out of his office for any purpose; nor shall he permit any attorney to take the same out of his office unless such attorney shall receipt the clerk therefor in writing on the attorney's receipt docket. When the papers are returned the clerk or deputy receiving them shall sign a like receipt therefor on the attorney's receipt docket. When papers are lost the clerk must show who is responsible.

Rule 63.—ORIGINAL WILLS AND BONDS. HOW KEPT. The clerk shall keep all original wills, all bonds and all disputed documents filed with him, safely and securely locked in a safe or vault in his office, and shall not permit the same to be taken from his custody for any purpose, except on an order of the Court or Chancellor entered on the minutes.

- Rule 64.—ATTORNEYS MUST RETURN PAPERS WITHIN FIFTEEN DAYS. When an attorney shall take the papers in any case out of the clerk's office he shall return them within fifteen days, and in any case before the next term of court. No attorney taking the papers out of the clerk's office may loan them to any one else and thereby escape responsibility for the safe return thereof.
- Rule 65.—CLERK MUST BIND VOUCHERS. Whenever the clerk shall file the vouchers to any account of an executor, administrator, or guardian he shall securely fasten them together at the top in numerical order.
- Rule 66.—WHEN CLERK SHALL REQUIRE SECURITY FOR COSTS. In all cases where the complainant or petitioner is a non-resident of this state, or is insolvent, the clerk shall, before filing any original bill or petition require the complainant or petitioner to give security for all costs to accrue in the action or suit, or in lieu thereof to pay the fees for filing the bill or petition, docketing the case, and for issuing, executing and returning the process on all defendants thereto. But any citizen of this state who is unable to give security or prepay the costs as above required, may in lieu thereof, make and file an affidavit as provided by Sec. 663 of the Code of 1930.

(Signed) R. W. CUTRER, President
Chancellors' Association.

(Signed) W. S. WELCH, Secretary.

JUDGE AMIS: I move you, sir, that the report, together with the rules adopted by the chancellors be incorporated in the proceedings of this convention and published as a part of these proceedings.

VOICE: Second the motion.

MR. KIMBROUGH: I am not a jurist, I am not much of a lawyer, but I move that the motion be amended to strike out that unknown, illegitimate, unnatural phrase "And/or" and make it read "And" or "Or" as the case may be.

JUDGE BOB KELLY: I second the motion.

JUDGE AMIS: That will have to go to the legislature.

THE PRESIDENT: You have heard the motion to amend. All in favor of the motion will say "Aye", all opposed "No". The Ayes have it and it is so ordered.

JUDGE AMIS: Call for the original motion, please, Sir.

THE PRESIDENT: I want to announce that Mr. Hardy will be here at four o'clock. He has arrived in Greenville, but he traveled all yesterday, last night and today, and necessarily has to have

a little bit of rest, and I make that announcement that he will be here promptly at four o'clock.

In order to take up that time, the first thing we have on the program is the—

JUDGE AMIS (interposing): I call for a vote on the motion that I made.

THE PRESIDENT: Beg your pardon. That is right, I had overlooked that point. All in favor of the motion will say "Aye"; all opposed "No". The ayes have it and it is so ordered.

JUDGE KIMBROUGH: Do you mean as amended?

THE PRESIDENT: Yes.

THE PRESIDENT: The first thing we have for discussion was the resolution which was presented to the Natchez meeting. On motion to adopt there was a tie vote; therefore, there was a motion made that it be continued and taken up at this meeting of the Bar, which is the resolution providing for an amendment to the constitution to make the judges of the various courts appointive from a list submitted by the Bar Association. That resolution is to be presented by the Hon. Samuel L. Gwin. (Applause).

MR. SAMUEL L. GWIN—Mr. President, Ladies and Gentlemen of the Mississippi Bar: At the last meeting of this organization a resolution was offered by our present distinguished president looking to a change in the Constitution of this state so as to apply to the selection of the judges of the state a restricted appointive instead of the present popular elective system.

By a vote of the Bar final action on the resolution was deferred to this, the next meeting.

This resolution appears on page 74 of the Mississippi Law Journal for October, 1935, and I deem it proper here to read it:

"Be it resolved by the Mississippi State Bar now in session: That the Mississippi State Bar approves the repeal of the Sections of the State Constitution relating to the election of judges of all courts, and the adoption of amendments providing for the appointment of all judges by the Governor from lists of names of lawyers recommended by the bar of this State for Supreme Court Judges, and from a list of names approved by the bar of the districts or county for district judges and chancellors and county judges—in counties having a county judge—which list shall be supplied to the Governor through the Bar Commission, after the bar of the state, or of the particular district or county, shall have voted upon the names of lawyers to fill such judicial positions, and from which lists the Governor shall make such appointments, and:

"Be it further resolved that the incoming president of this Association be, and is, hereby authorized to appoint from the bar a committee to work for such amendments."

The author of the resolution and the other distinguished members of the Bar who addressed the subject in favor and in opposi-

tion to the resolution practically exhausted the principal arguments on both sides, and so far as I can see, the resolution then reached the stage where it might well have been acted upon at that time, but it was thought better to carry it over for further discussion, and I have been accorded the very pleasing honor of moving for its further discussion and adoption.

There is little or nothing that I could say to add to the advocacy of this measure or furnish further food for thought on the part of the members of this body, composed as it is of trained minds, schooled by education and by habit to deliberate and to advocate the result of such deliberation, realizing that this is a subject which has been cogitated and discussed privately or publicly by every member of the bar for at least the length of time such member has been engaged in the practice of law, for it is one which necessarily is constantly in the thoughts of every lawyer, consciously or subconsciously, every time he sees a judge in action, certainly if the action is adverse.

This resolution is not advocated by me out of any dissatisfaction with the present operation or the present results of the elective system in this state. The many committees, commissions and organizations over the county who have been delegated, or have delegated themselves, to inquire into the best method for the selection of judges, have generally reported that in their respective states, the elective system has resulted in the selection of a type much below the standard to be desired. Not so, I believe, in Mississippi. Here the personnel of the bench in point of learning, ability, fairness, patience, and courtesy, is at least the equal of any in America.

My views of this subject proceed upon the general principles of our system of government, and I imagine each of the members of this Bar will favor that system dictated by the school of thought into which he was born or with which he has been associated, whether we believe in a representative form of government as was contemplated by the glorious patriots who founded and fostered it and handed it down to the coming generations as the most perfect the earth has ever known, where the people are content to select those whose deeds and thoughts have been such as to inspire the public confidence, and leave to them in the exercise of their sound judgment and discretion the management and control of the affairs of the country; or whether we believe in and expect to encourage our accelerating approach to a pure democracy of universal suffrage and popular vote on every question of state, with its numberless elements of uncertainty and of chance, where even the condition of the weather as favoring the convenience of the city dweller may, and frequently has, decided the result of an election, and where, perchance, it may determine who shall be the judge of the court.

Upon one thing we are all agreed. We want the ablest and most learned judges. We want judges whose inherent integrity of

mind and honesty of purpose will preclude the possibility of conscious or sub-conscious influence, and we want a system of selection which will insure to us judges possessing those qualifications.

I have taken the time off to read some of the numerous reports of the various committees, commissions, conferences, and other bodies who have investigated the various methods of election of judges, and I regret to say that they afford small aid in the solution of the problem to the minds of the members of the bar who have seriously considered the subject as have the members of this bar, in that there is not much in any of the reports which has not already come up for discussion from time to time in this association and been considered in the minds of its members. However, they are all agreed that the system of selection by popular vote is not the best, and they are all agreed that perhaps there is no system to be devised which would be universally adapted to produce the best results in every community over the nation or perhaps over the area of a single state. A system which might be best fitted for populous cities and metropolitan areas might be ill fitted for areas comprising small towns and rural communities. The time is much too short for me to go into the varied ramifications of these reports. Suffice to summarize that the majority of the reports recommend what they term restricted appointive system, with the governor of the state as the appointing power from a limited number designated by the bench of the bar, or by a mixed commission of bench, bar, and citizens, or appointment by the governor with confirmation by such commission or by the senate or legislature of the state. Both of these features might be incorporated in the plan proposed for this state.

Why the elective system which once prevailed was changed back to the appointive is subject to much diversity of opinion, and only those who were actual observers of the conditions might be able to give us accurate and reliable information on the subject, in the absence of which it may reasonably be inferred that it was found not to be adapted to the conditions then prevailing.

So far as I know there was no general dissatisfaction among the bar of the state over the appointive system of judges before the constitutional amendment making them elective. Indeed there was not a great deal of interest manifested by the bar generally in the proposed change. It was commonly thought that it would make very little difference in the ultimate result in that the governor in his appointments had usually deferred to the recommendations of the lawyers, and it was thought that in the election of judges thereafter the preferences of the lawyers would be largely respected by the voters, in that the laity, the man on the street, feeling himself disqualified by lack of familiarity with the character and ability of the candidates would ask his lawyer or some other lawyer whom to vote for and cast his ballot accordingly, and I believe this was done for several years after the change; but I also believe you will agree with me that while the voter may need, or

may even feel the needs of assistance in the exercise of a wise discrimination, he rarely seeks it.

The elections for judges in Mississippi have not yet reached the point where there is injected into the campaigns the increasing bitterness that has characterized many of the elections in recent years for high, dignified and honorable office. So far as my observation goes, there have been no whispering campaigns designed to besmirch the personal reputation of the candidates for judgeships, but it is said to prevail in many other states where the selection of judges by popular election has been long established; and in the modern trend of politics in Mississippi, where the old fashioned and dignified division of time for joint debate or measures and principles of government has been to all intents and purposes abandoned by the fiery oratory of personalities, recriminations, and political slander, the great question to be considered is how long will we be able to keep our judicial elections clean and clear of the vituperation and mud-slinging concomitant to other elections of district and state officers.

The bar is, of course, better qualified to select the judges than any or all other classes. They alone can accurately determine the capabilities and extent of learning of their fellow lawyers, and have a better opportunity to pass intelligently upon the other qualities essential to the making of a great judge by reason of their somewhat intimate and constant association. Lawyers, while they may not have any personal attraction to or agree politically with some other members of the profession, be it known that they respect and admire profound learning and professional and personal integrity in their fellow lawyers, and will not, I believe, permit any personal hostility to interfere with the expression of their choice for judgeships.

As Judge Everett has well said: "The judges must be taken from the lawyers, and the character of the bar determines the character of the bench."

I do not believe that it is anywhere contended that there is at present a crying evil in the present system of selection of judges in this state, but if this Association, composed of those supposed to be the leading thinkers of their respective communities and of the state, have any great and inspired mission, it should be the recovery of what of our prestige has been forfeited, and the firm and perpetual re-establishment of the tradition which has survived many an effort of change, and which once placed the lawyers of the community as the leaders of thought and the judge as the ideal of probity, dignity, and learning, who held his position by virtue of much besides his commission.

The system proposed by this resolution, as I understand it, is not so much for the selection by the bar of the judge, as it is to declare that none shall be elevated to that position who has not the stamp of its approval. Surely no lawyer would be found to object

to the judgment of the bar, not as to his appointment, but as to his fitness for the bench, and we have no difficulty in assuming that many lawyers who would unquestionably make great judges are deterred from offering themselves for the positions to which they aspire by the, to many, unpleasantness of the personal solicitation of votes, the loss of time in traveling over the district or state, and, last, but by no means least, the very considerable outlay of money necessarily involved in the expenses of a contested political campaign.

It must be realized that whatever the action of this association and what consideration it may receive from the legislature of the state and from the people at the polls, if the machinery to effectuate the change were to be put in motion instantly and followed through diligently and promptly, before it could become effective, we of the older generation will have, for the most part, as Mark Twain says, lost all interest in the proceedings. We who advocate the change speak only for the future generation of lawyers, and the generations of lawyers to come, in the earnest effort to further a system designed to establish a scheme under which the judgeship will seek the man, a consummation devoutly to be wished.

Mr. President, I move the adoption of the Resolution. (Applause).

THE PRESIDENT: Is there a second to the motion?

JUDGE HOUSTON: I second the motion.

HON. W. H. WATKINS: I desire to be heard on the motion (applause). Mr. President, Ladies and Gentlemen of the Association, I have listened with so much interest to the discussion of this question by my friend, Samuel L. Gwin. He shows that he has brought to bear in the preparation and presentation of his remarks study and the exercise of judicial qualities; that he has an open mind upon the subject. I propose to oppose this resolution, I trust in the same spirit (applause).

The question of electing judges and the method of their election is an important question to the bench and bar of Mississippi. There is no ideal way; when we have one system probably we think that the other would be better. It is very much like I am when I am before the two divisions of the supreme court. When I get before one division and they get through with me, I wish I had the other one (laughter). However, there are certain objectives to be obtained, and we as lawyers and judges are interested in the attaining of those objectives. We want to adopt the method by which we may get men of the highest character, learning, and qualifications, but not only that, the judiciary requires men of independence of judgment. There is no walk in life where independence of judgment is required more than upon the bench of Mississippi.

I have always been a great student of that lawyer, Wiley P. Harris, and I have been interested to observe that while he prac-

ticed law in Mississippi in a day when upon the supreme court there sat Judge Cooper, Judge Campbell, Judge Chalmers, and where we had circuit judges of equal ability, he removed so many cases to the federal court—and I might say at that time we had a federal judge of very ordinary ability—and I believe it was because he thought that there was no substitute for judicial ability and independence, and probably he thought, naturally, he found a great amount of it there.

But coming to the question: what is it that will produce, assuming ability and character—and I think we have that in the bench of the state of Mississippi—what is it that will produce independence of judgment and character? Sir, I think that you will all agree that it is security in office; that if the judges are persuaded and led to believe and convinced that their continuance in office will be measured by their character and their ability and the professionalness of their services, and will not be determined by their unpopular or popular decisions in some cases, that faculty will always be present.

Gentlemen of the bar, I am of the opinion that the present system furnishes greater security and involves greater judicial independence than the speculative system that is suggested by the motion that is before the bar today.

Of course, judges ought not to stay there too short a time, nor ought they to stay for too great a length of time. I heard a gentleman from England at the American Bar Association read a lengthy paper upon judges in Ireland, and he said that the only vice one of them had was the lack of resignation. But here in Mississippi, if you please, we are favorably situated, in that there has been since 1932 established a laboratory from which you may study the various systems of electing the judges, and let us stop and study the effect and results of the system. From 1832 to 1869 judges in Mississippi were elected. Why they were elected I am not sufficiently familiar with the history of the state to relate, but I call your attention to the fact that during that period we had upon the supreme court of the state of Mississippi, some of the greatest men who have ever adorned that place: William L. Sharkey, Pinkney L. Smith, Alexander Clayton, William Yerger, great judges. Among them we had that great chief justice, William L. Harris—you have seen his picture in the Hall of Fame of Mississippi—the man who was offered a position upon the supreme court of the United States, and said he would not take it; that it was a greater honor to sit upon the supreme court of the state of Mississippi.

And I therefore call your attention to the fact that during the time we had an elective judiciary we were well served by men of fine character and ability.

Now, gentlemen, from 1869 to 1916 our judges were appointed by the governor with the consent of the senate, and I have gather-

ed some statistics for you as to the length of service and the continuity of the service of those judges, and I think that is an important factor. During that period of time we had men like J. A. P. Campbell, Judge Cooper and Judge Whitfield, but I call your attention to the fact that the term of service was exactly six and a half years. Judge Cooper and Judge Campbell were exceptions, that many of our greatest judges went out with the incoming administration. I call your attention to the fact that under that system Judge Truly served but three years, Judge William Anderson served but one year, Judge George served six years, and such was the service—an average of six and a half years.

Now, in 1916, why did our people return to the elective system? I think because in the period immediately following the Civil War a large number of the voters were negro voters and our people feared their vote, and felt that if the judges were appointed by the governor they stood a better chance than trusting it to the electorate. But in every race for governor the position of circuit judge and supreme court judges and chancellors became part of the game, as a result of which we find the term of service was only six and a half years.

Let us turn to the present. We have had the elective system since 1916. The average term of service, all right, has been twelve and a half years to the judge, and if the present judges upon that bench shall serve out their terms of office, the average will exceed fifteen years to the judge. But I call your attention to the fact that not a single judge elected by the people to the supreme court of the state of Mississippi has ever been defeated when he has offered for re-election (applause).

Now, I was interested in the remarks of my friend, Mr. Gwin, upon the duty of the lawyer. Under the appointive system the lawyer assumes the responsibility for them, that under this resolution, the lawyers assume the responsibility. The truth about it is I think under the present condition, the voters of Mississippi place that same responsibility upon the lawyers. I do not think any one can be elected to office in Mississippi in opposition to a substantial portion of a bar. I believe that the fact of the judges being re-elected—that they have less opposition—that they owe it to the fact that the members of the bar feel their responsibility, that so long as a judge is honest and capable and independent, they will get out and fight for his re-election, although in some individual case he may have decided wrong. I have seen a number of candidates but I have the first time to hear an argument against the judge that he decided a particular case in a particular way, and I hope that time will never come, and the responsibility rests upon the lawyers and the lawyers of this association.

I say my opposition to this plan is that it is speculative. In the first place a candidate has got to be among those suggested. Then he has got to be of some political alliance to be one recom-

mended to the governor, and I say it will put the judiciary in politics instead of taking it out. I think we have a very good judicial system. I think the judicial system is the most creditable part of Mississippi. I go before almost every judge in the state of Mississippi. I do not find them lacking in character or ability. Sometimes I have thought in an individual case that the judge did not do the very best that he knew (laughter), but I have no special complaint. I say again the judiciary is the outstanding part of our state, but let us do our part. As my friend Bob Miller said, more cases are lost by reason of the negligence of the lawyer in the case than through the negligence of the judges. You know we are very much inclined to look to the judges of the past—Judge Campbell, Judge Cooper and those are great men—but I remember when Judge Whitfield was appointed to the bench. It created a sensation; he was considered radical; but today his opinions are admired as models of good English as well as good law.

I think, gentlemen, we should not depart from the system that is giving satisfaction; I do not think anything better is promised to us in this resolution. (Applause).

HON. MARION RILEY: Mr. President, Members of the Bar, I wish to endorse what Mr. Watkins has had to say concerning the question which we have in hand. (Applause).

The very distinguished and able gentleman who presented the motion seems to me to have pointed the way that we should go. He has told you that it matters not what has happened in other states; that in the state of Mississippi the present method has proven satisfactory; and that we have a satisfactory judiciary that is operating successfully, that is above suspicion and above reproach. If that is true, why change? I know but one way to deal with men, especially my brother lawyers, and that is in the plain language of a comrade. If this system is adopted, what is going to be the result? You know and I know that in Mississippi there are many lawyers, very able lawyers who represent the more powerful litigants in the courts; they are selected because of their splendid ability; they are selected also because of their influence and because of their high character; but they are human, as we are. They have represented one class of litigants for many years. Being human they have grown to think largely in the way the interest of their client requires them to think.

In Mississippi there are other attorneys who represent the more humble litigants, the unfortunate litigant, the poor litigant in the courts. He has represented that class of litigants for years, and being human he has grown to feel largely as the interest of his clients dictated that he should feel.

You adopt this method in Mississippi, and what is going to be the result? The members of the bar will be called upon to endorse those from whom they think the governor should select in naming a judge.

My friends, I say here I could call their names; all over the state will sweep like the wind the information from one class of lawyers that so-and-so is the lawyer and he will be endorsed by the men who feel as that man feels. In other words, he will be the selection of that class of lawyers. All over this state will go the news that another man is the man—the one who feels as my crowd of lawyers practice as I do. All over the state he will be endorsed, not because either side wants a corrupt judge but because we are human and we are going to endorse that man who feels about law and feels about matters concerning law as we feel, and being human we feel as our past teaches us to feel. I am not today, I am yesterday and ten years ago and seventy years ago. I am my past, my thoughts are my past, not today; and you are your past, you think as your interests have led you in the days gone by.

All right, what will be the result? When the time comes for the governor to pass on them you may be sure he will have two applicants, one of whom is endorsed solely by one line of thought and the other endorsed by the other line of thought. Which one is he going to appoint? You are going to get a man who is partial, conscious that his endorsement was largely due to a certain class of lawyers.

Another thing it is going to be known in the state or district, some man particularly close to the governor and the governor's friends throughout the state will endorse him. There is no use to dream about this thing; let's take the way it is going to work out. In any event the governor is going to select the man endorsed by the group of men to whom he is under obligation. That is a condition that no honest man wants in this state. No man wants on the bench a man who gets his appointment because he and his friends favor it. No lawyer wants that; no lawyer of ability wants it. I say the method that you propose is a dangerous one. I give to every man full credit for acting on whatever he thinks is right, but that's the way your plan is going to work out if you adopt this resolution.

As it is now we have men who are under obligation to no lawyer and no set of lawyers; they are selected by the people as a whole; and don't you think that the electorate of Mississippi do not keep tab on the lawyers, the court, and the judges of Mississippi. A judge in Mississippi who permits himself to be improperly influenced by any lawyer—that judge is doomed—the people watch him and don't you doubt that for a moment.

Therefore, I say the safe method, the way to have a man under obligation to no man, is to let the people of Mississippi select their judges. I believe it is the only safe way; I believe it is the only way that we can get judges who will be under the influence of no one.

I will tell you another thing, when we had the appointive system, the courts in my district were behind, very much behind with their work. Today you file your suit thirty days before court in my district, and you get a trial, because the people are watching the judges, and the judges are up with their work, and a man can get a trial in a court throughout the land.

I believe that every public servant should be amenable to the people; it is the safer method. And for that reason, gentlemen of the Bar, it occurs to me the present method is the better method. Take my district, four counties in my district, take a man like Mr. Wilbourn, one of the outstanding lawyers in Mississippi, let this meeting adopt this resolution; we are going to select a circuit judge. I know every lawyer in that district on the same side of the table I am. I know every lawyer associating with me in trials in Mississippi feels as I feel. Mr. Wilbourn has been associated with practically all the lawyers on the other side, and if we have this method, within twenty-four hours the lawyers are going to divide and the names submitted to the governor are going to be champions of the one crowd and the others the champion of the other crowd. No honest man wants this, and no man worthy to be a lawyer wants it, and the only safe way is by selection by the people.

Every man who has run for judge in Mississippi so far as I know has conducted a dignified campaign; there has been no abuse, no humiliation to him; and listen, no man is too big to be answerable to the people, no matter whether he is on the bench or whether he is holding any other job. I say let the people select their judges, and we will be able to get a capable, independent judiciary as we have in the past. That is my idea. (Applause).

ARGUMENT OF JUDGE D. W. HOUSTON ON RESOLUTION
THAT OUR CONSTITUTION BE CHANGED TO MAKE
JUDGES APPOINTIVE UNDER THE PLAN PRO-
POSED BY JUDGE FRANK EVERETT

JUDGE HOUSTON: After having listened to the very able and eloquent arguments made upon this question by those who have preceded me, I feel like another speaker who once followed an address by the great orator, Patrick Henry of Virginia. Paraphrasing him, I hesitate to light up my feeble taper by the brightness of their noon-time suns of oratory. It is but to compare the dull dewdrop of the morning with the bright, brilliant lights that sparkle, flash, and leap from the diamond's depths. A life busy beyond its limited capacity, including active participation and pressure in political matters, has absolutely precluded the possibility of my giving any special preparation to this question; therefore, I do not feel that I can add anything of value to what has already been so finely and eloquently said by those who have preceded me. However, having been requested by the President of this Association to say something upon this question, desiring to comply with his

wishes, and having definite convictions about this matter, I want to submit a few observations which occur to me, after having practiced for over forty-eight years before judges both under the appointive and elective systems. I am not now, have never been, and never expect to be, an aspirant for any office whatever. Not being a prominent office-holder or office-seeker, I can only speak to you as a private citizen; but as a private citizen speaking to his fellow-citizens, as a lawyer speaking to his fellow-lawyers, and as a Mississippian to his fellow-Mississippians, and looking only to the public good, as I readily, freely, and willingly concede that all of the lawyers who have spoken pro and con upon this question are also doing, I merely let my lips speak what my heart forges, when I say that I cordially and heartily endorse the resolution presented by our able President at the last meeting of this Bar Association, to the effect that it is to the best interests of the people of this state that the Supreme Court judges should be appointed by the Governor from a list of lawyers presented to him by the Bar Commissioners, after the Secretary of the State Bar Commission shall have submitted a ballot to each lawyer of the State, in order that he may vote for his choice for the Supreme Court judges, the list submitted to the Governor to contain not less than three, nor more than five, names for each place to be filled, the names submitted to be those lawyers who receive the highest number of ballots by the members of the Bar, and in the case of Circuit Judges, Chancellors, and County judges, where there are any, they shall be appointed by the Governor from a list of not exceeding three names submitted to him, after said Secretary has given the lawyers, of the particular district or county where a judge or chancellor is to be appointed, the opportunity to vote by ballot for his choice for judge of that district or county. In a very clear, concise, and yet comprehensive way, our able President set out at our last meeting some of the very important reasons why this change should be made—reasons important not only or chiefly to the lawyers, but to the general public. It is hardly necessary for me to say that I am not directing any criticism to any court, or judge or individual. I am not specially speaking of personalities except where they relate to the principle involved—the mode and method of selecting our judges. As was once stated, in effect, by the great Judge Taft, “the Executive and Legislative branches are representative of the majority of the people, selected by them in guiding the course of the government within the limits of the Constitution. They must act for the whole people, of course; but they may properly follow, and usually ought to follow, the view of the majority which elected them, in regard to the governmental policy best adapted to secure the welfare of the whole people. But the judicial branch of the government is not representative of a majority of the people in any such sense. In a proper sense, judges are servants of the people, that is, they are doing work, which must be done for the government and in the interest of all, but it is not work in the doing of which they are to follow the will of the ma-

jority, except as that will is embodied in statutes lawfully enacted according to constitutional limitations. Judges are not popular representative. On the contrary, to fill their office properly, they must be entirely and absolutely independent, and, frequently, their sworn duty is to go counter to and decide against an overwhelming majority of the people. It is their duty to decide every question which properly comes before them, not at all according to what the people may think or want, but strictly according to the constitution and statutes and law and justice. The power conferred on the judiciary in our form of government is unique in the history of governments, and its operations has attracted and deserved the admiration and commendation of the world. It gives to our judiciary a position higher, stronger, and more responsible than that of the judiciary of any other country, and more effectively secures adherence to the fundamental will of all the people. To fulfill their functions properly and justly, our judges must be more independent than in any other form of government, and that need of independence is greatest where the individual is one litigant and the State, guided by the successful and governing majority, is the other. In order to maintain the rights of the minority and of the individual, and to preserve our constitutional balance, we must have judges with the courage, as well as the ability to decide against the majority when the Constitution, statutes, or justice and law require." If we are perfectly honest with ourselves, we cannot shut our eyes to the fact that often even an intelligent and responsible electorate may be so aroused upon an issue that it will visit with condemnation the decision of a just judge who has decided a case fairly and correctly according to the law governing it, merely and only because it affects unfavorable their contests, or what they regard as their rights. We had a strong illustration of this recently in the case of that splendid Judge Edgar M. Lane, who managed the campaign in Mississippi for the Democratic Party in 1928. As I learned it from the newspapers and in other ways, some law violator who supported him, thought he had a right to try to control his actions as judge, and when Judge Lane refused to allow him to do this, he tried to assassinate him.

Many illustrations of this could be given, first, controversies over elections; second, labor trouble; third, racial or religious issues; fourth, issues as to the construction or constitutionality of liquor laws; fifth, criminal trials of popular or unpopular defendants; sixth, removal of county seats; seventh, suits by popular individuals to maintain their constitutional rights in obstruction of some popular public improvement. The judges are attempted to be treated as the instrument and servant of a majority of the people and subject to their momentary will or whim. Every intelligent judge knows this, and the temptation is quite great indeed for him to yield to it, and this temptation should be removed as far and as much as possible. Judges are merely human beings, and no less so because they step as lawyers from the carpeted floor in the court-room to the carpeted bench above. Even a judge of

the most rugged honesty and purest probity, and whose only desire is to follow strictly the oath of duty, is often greatly embarrassed and hampered in deciding certain cases because of political bosses, public sentiment and political alignments; and a large part of the criticism of the bench and the Bar is brought about by politics and political alignments. We know that it is undeniable that in this state, as well as in other states, that sometimes political influences dominate judicial elections. We should, therefore, surround the judiciary with all of the safeguards possible and create judges by appointment under the proposed plan, and do all that can be done to prevent the influence of public opinion from coloring or even unconsciously tinging their judgments, and thus prevent the people from holding in disesteem the law and in disrespect the lawyers and judges. "In treating of courts, we are dealing with human machines, liable, like all of the inventions of man, to err, but we are dealing with a human institution that likens itself to a divine institution because it seeks and preserves justice, whose seat is the bosom of God. It has been the corner stone of our gloriously free government, in which the rights of the individual and of the minority have been preserved, while governmental action of the majority has lost nothing of beneficent progress, efficacy, and directness."

The law is not only the shield and buckler, but the bond of union of this country. In empires and monarchies, armies are formed to keep the people in order, but in a republic what could preserve the social compact but the law?

In the Virginia Constitutional Convention in 1829, the great Chief Justice Marshall truly and beautifully said: "The judicial department comes home in its effects to every man's fireside. It passes on his property, his reputation, his life, his all. Is it not to the last degree important that a Judge should be rendered perfectly and completely independent, with nothing to control him but God and his conscience? I have always thought from my earliest youth 'til now that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and a sinning people was an ignorant, a corrupt, or a dependent judiciary."

This idea and balance was planned by the framers of both the Constitution of the United States and of our Constitution of 1890, and has been maintained by our independent judiciary. I agree with Judge Everett when he said that "Political influences and alignments sometimes overwhelm, obscure, and outweigh merit in judicial candidates," and I add that it is undoubtedly true to some extent that remarkable gifts and unusual ability, when not connected with a hand-shaking and shoulder-slapping tendency in the candidate, are a disqualification to a candidate for judge under the elective system. . Great talents and strong characters usually make strong and many enemies. It has been remarked that the Pope is never the ablest man in the Catholic hierarchy. Someone has said that universal suffrage must naturally be the rule of inferiors, since

the majority of mankind are not gifted. We know it is certainly true that some of our ablest men and finest characters among the lawyers, who would adorn the Bench, absolutely refuse to enter a contest and submit themselves to political abuse and insult. We have just had a demonstration of the fact that even the Corrupt Practice Act, as splendid as it is in many of its features, could not and did not prevent some of the candidates and speakers in the senatorial and congressional elections from indulging in villification, vituperation, and vile misrepresentation.

Another thing, as stated at the last meeting, by that splendid lawyer and gentleman, my old-time, long-time friend Will Powell, whose spirit has since embarked in that shadow ship which waits for passenger souls by the shores of Time to convey them across the river to the land of souls, "Under the elective system the candidate for judge is compelled to sacrifice a part, at least, of the dignity of the office to which he aspires, by traipsing over the state and being compelled to urge or ask the people, whose rights, property and liberty and life he may have to pass upon, to vote for him." We should not subject those who are to be our judges, and who are to safeguard our rights, properties, our liberties, and our lives, to any such necessity. There seems to be an impression among many that the people themselves are very much interested in electing their judges, but since the election of judges has prevailed in Mississippi, my experience has been, in my county, that they care little, if anything, about this right to elect their judges, and many of them have so told me, and admitted that they felt that the lawyers know much better than they do who should be judges of the different courts, and have requested me to tell them for whom to vote. Their utter indifference as to the election of judges is demonstrated by their failure to exercise the right to vote, as very few do vote, in such election. Most of them do not even know the men they are voting for, and, as there are generally no issues involved in these contests for judges, of what significance is it to the people to be offered the choice of one or the other of two candidates they never heard of before, or as to whom they care little or nothing as to his election? They, of course, are utterly indifferent and will not go to the polls. Even if it were true that the "voice of the people is the voice of God", the lion is not king when he is asleep and indifferent to his rights.

Paraphrasing the language of Judge Everett at the last meeting, the lawyers of the state are most competent to decide who will make the best and most acceptable judges, and they must naturally take upon themselves the full responsibility for the administration of justice in this state, and to that end they are wholly responsible for the administration of the judicial department of the state, and by the public they are held responsible, and justly held responsible, for this. The Bench necessarily comes from the Bar, and the Bar is better able to judge of the personnel, the qualifications, and the ability of those who would make the best judges. The

lawyers are not afraid to, and are perfectly willing to, take this responsibility, and being held responsible and willing and ready to fully assume that responsibility, then certainly the Bar of Mississippi and of the respective districts and counties should have the right and power to recommend to the Governor those whom they think and vote to be the most eligible for these judicial positions in accordance with the resolutions offered by Judge Everett.

Without quoting the exact language of the able Judge R. J. Farley, I agree with his idea that this proposed plan embodies, combines and adopts the better features of the appointive and elective methods and improves upon both; and at least tends to make for a more independent judiciary. We know that in nearly all such elections many voters inquire whether the candidate for judge belongs to this or that faction, or whether he has been voting with this or that crowd. This plan will go far to check that.

Another thing, to whom would the judge so chosen under this plan and his family and friends owe the most gratitude: to a Governor who cannot immediately succeed himself to renew the appointment of said judge, and who is rarely a party to a suit, and who is powerless to remove the judge, or to the large number of lawyers with whom the judge must work continuously, or to the next "unknown" Governor, who will act on the next poll or vote of the lawyers. In such a wide division of gratitude lies the necessity of the judge being fair and just to all.

Again Mr. Farley says: "The humiliation of the handshaking candidate for judge is bad enough, but it is as nothing compared to the concomitant familiarity which breeds contempt in the mind of the average voter towards the institution of the judiciary" which I hold should be regarded as being, and should be, the last and sure refuge of freedom, liberty, and eternal right and impartial and disinterested justice.

"It shakes the faith of the average voter in their ideal—that courts are the real temples of justice where politics and partisanship and prejudice does not enter or obtrude.

"With an elective judiciary there are inevitably political influences pressing tacitly and quietly generally, but still pressing, upon the elected judge in nearly every law suit. Which party to the suit controls the most votes? Whether they do or do not motivate the judge consciously or unconsciously, or affect his rulings not in the least, the destructive influences are there nevertheless for cogitation and meditation of the voters, and for political constructions, however false, to be placed thereon. There is a distinct and definite loss to the esteem of the court as an institution, and a disrespect bred for the law, however wrong and incorrect it may be. What lawyer with a wide practice has not heard whisperings and suspicions after nearly every term of court about such matters? I make it a practice to deny, refute and frequently denounce them as false and unfounded, for the sake of the court and of my profes-

sion; but they exist and persist, and are believed by the average voter.

"But with the judge who owes his appointment to selection by the members of the Bar, what basis can there be for doubting or impugning his integrity."

Another thing, in reply to the suggestions of my friend, Mr. Riley, under the proposed plan, the old and young lawyer, the small practitioner and the large practitioner, all have the same size vote. Therefore, in addition to its being the best principle, it is the best political policy for the judge, in his own selfish interest, to deal fairly and justly to all alike, to follow the path of duty.

I thank you for your attention. (Applause).

JUDGE R. M. KELLY: I am not going to be long. My friend, Judge Houston, refers to the wise patriot, Patrick Henry. He said there is but one light to the mind, to our mind, and that is the light of experience, and I would like to ask any member of this bar, and particularly Judge Houston and the author of this resolution, if in the light of experience our chancellors, our circuit judges, and our supreme court judges cannot stand up side by side and man for man with any judge who ever sat under the appointive system. (Applause). In our district we had McLaurin, Bush, Burkett, and then we had Judge Brien—a better judge never sat on a circuit bench, and from the test of the electorate who elected him as judge today, he will be fair unto the end. Take the judges one by one and I don't believe there is a member of this bar who could get up and say in his district, speaking honestly, that the judiciary is not better today in service, in capacity than it was when they were appointed by the governor, whatever governor it might have been. That is a fact. Why, then, if this is a fact—and let me just side-step for a moment for the sake of the younger members of this Bar. They may be as broad and independent as the noon-day sun, but what chance would they have if the elders who control this bar are to dictate the judgeship. I am speaking for the young members of the Bar. The elective system has been satisfactory; then why this hue and cry for an appointive judiciary? Since the elective system has been in effect, if we are all satisfied, and it seems we are all satisfied with the judges who have been elected, then why step aside and why ask us to step aside and let some governor do the thing that the people should do themselves? If it is true as Judge Watkins said, that the responsibility is with the bar, that the bar knows best—and I grant that they do, whether the applicant is for county judge, chancellor, circuit judge or supreme court—if the bar of the county or the district and the state, if they cannot control the election, then the fault is with the bar and not with the system. So I say, as the situation exists, there is no demand for change in the method of selection of judges. The judges who have been serving us are honest, they are capable; then why turn away.

Let me in conclusion ask you, man for man the judges on our supreme court, the judges of our circuit courts, the judges of the chancery courts and the judges of our county courts, let them stand man for man, side by side, with the men who presided under the appointive system, and I say they would stand one hundred per cent by the men who have been appointed by the governors on anybody's recommendation.

I hope you will vote down the resolution. (Applause).

VOICES: Question, question, question.

THE PRESIDENT: All in favor of the resolution please let it be known by saying "Aye"; opposed by saying "No". The No's seem to have it; the no's have it and the resolution is lost.

The next matter to be taken up is a resolution by Mr. Crawley with reference to amendment of Section 4 of the By-Laws of the Association.

MR. CRAWLEY: Mr. President, members of the State Bar, at the request of the board of bar commissioners, I herewith submit for your consideration a proposed amendment to Article 4 of the by-laws governing our conduct and our deliberation with reference to the submission of proposed legislation to the state legislature of Mississippi:

ARTICLE IV. COMMITTEES

1. "It shall be the duty of the Bar Commission through a special committee thereof, together with a committee from the State Bar who are not members of the Bar Commission, which committee shall be appointed by the President of the State Bar, to make investigations and study looking towards the improvement of the courts, the laws and the administration of justice, and such committees shall report their recommendation to the Bar Commission.

2. "In the event such committees make recommendations looking to or necessitating legislation, the commission as a whole shall either approve or disapprove such recommendation by a resolution spread upon its minutes, and if such recommendations of such committees be approved by the commission, then the President shall appoint a committee from the two committees making the recommendations to draft the proposed law, and after the draft of such proposed law shall have been approved by the commission, it shall then be transmitted by the commission to the legislature for its consideration.

3. "All committees shall be specially appointed for particular tasks, but this provision shall not prevent standing committees composed of members of the Board of Commissioners and proper in the work of such board.

4. "All committees other than committees of the Board of Commissioners appointed in its own work, shall be composed of

members of the Bar other than members of the Board of Commissioners with the exception that on each committee a member of the Board of Commissioners shall be appointed, but such a member shall not be eligible for appointment as chairman thereof. Each committee appointed shall make full reports to the Board of Commissioners.

5. "The President shall appoint all committees, shall keep informed as to work done, progress made, etc., and upon request shall give information relative thereto to the Board of Commissioners or members of the Bar."

The only change that is contemplated in this proposed amendment is this: that under our prevailing system and under the rules and regulations by which we are now governed, in the event there are any changes desired to be made in existing statutes, or any new legislation seems to be proper or necessary or expedient, it is necessary first for the board of bar commissioners to submit their recommendations to the Bar assembled, and then act on its recommendation, and if it approves, then it is subsequently submitted to the legislature in the form of proposed legislation in order that it may be considered by the legislature, and if they deem proper and appropriate, enact it.

It is to do away with the circuitous route, to do away with delay. We take the position that the board of bar commissioners, whosoever they may be, are more or less acting in the capacity of a board of directors of the bar association, and when this bar association meets in annual session, then they have other matters to which they desire to devote their time and attention rather than to consideration of matters of this kind. This will do away with that delay. The legislature itself still has these matters before it, and any member of the Bar may appear before any legislative committee and argue his objections, if he objects.

With that statement, Mr. President, I move the adoption of this proposed change in Article IV of the by-laws governing the conduct of the state bar.

MR. CALDWELL: Second the motion.

VOICE: Mr. President, I have been attending the bar association at irregular intervals for some time, and it has been my experience that certain groups of lawyers who are my superiors—Mr. Riley spoke of them a while ago—that class of lawyers have had certain resolutions up before this bar for years. I have in mind especially the one relating to "Privileged Communications". I think anything that deserves enough consideration to have a change can wait a year, rather than turn it over to a bunch of selected men who probably do not represent the voice of the bar, the entire association. Therefore, I am against it. For instance, the resolution we have just had would probably meet with the approval of a majority of the executive committee, but it certainly did not

meet with the approval of every one on the floor, and I think it very much safer for the smaller lawyer in the cross-road town, that the association pass on all proposed changes. (Applause).

THE PRESIDENT: All in favor of the proposed change will say "Aye"—all opposed "No". It seems to be pretty evenly divided. The secretary will please count those in favor of the proposed change, and those opposed.

There are thirty-six for, fifty against. The resolution is lost.

Members of the Bar, it is my great pleasure to present to you this afternoon one of Mississippi's noblest sons, a man born in Mississippi, reared in Mississippi, educated in Mississippi, who thereafter emigrated to the greatest city and I think the greatest state in the Union, that of New York. There he cast his lot with the people of that great state and that great city; and with his Mississippi ways and his Mississippi education, he rapidly forged his way to the front of the New York Bar. All of us who have not had the pleasure of being personally acquainted with him know him by reputation—a man that Mississippi is proud of, and his reputation, what he has done is a thing which causes us to be proud of him. I now present to you the Honorable Lamar Hardy.

HONORABLE LAMAR HARDY: Mr. President, Members of the Mississippi State Bar Association, Ladies and Gentlemen: I am grateful to your President, Judge Everett, for his introduction. I am, however, afraid that he has laid himself open to a charge of exaggeration about my accomplishments since leaving this state. But when a man holds public office he so often is the target for unfair abuse, that he is always glad to accept any compliment—whether it is entirely accurate or not.

I need not tell you that I appreciate the honor you have paid me in inviting me to address the annual session of the State Bar Association, and it gives me an opportunity to return to my native State; to again greet many of my boyhood friends and acquaintances and to meet new members of the Association, who have entered the ranks of our great profession since I left Mississippi.

I regret to say that I return entirely too infrequently, but my family is scattered in various parts of the country, and since the death of my beloved father, I haven't had the incentive to come here very often. During his lifetime, whenever possible, I spent the Christmas holidays with him at his place at Pass Christian. When I left New York, it was cold and raw, and frequently the streets would be covered with ice, snow, and sleet, but when I reached Pass Christian, early in the morning, I would find the sun sparkling on the beautiful blue waters of the Gulf, and flowers in bloom, and well do I remember that old japonica bush, nearly a tree in size, by the front steps, with its hundreds of pale shell-like flowers. Indeed, that Gulf Coast is the Mediterranean Coast of America.

I was devoted to my father as he was to me, but I recall when visiting him during the holidays in 1916 that he had but little to say to me. Finally, I asked, "What is the matter, are you not glad to see me?" Looking at me with those piercing blue eyes, he said, "My boy, after listening to the intonation of your voice and the opinions you express about life in general, I have been wondering how a son of mine could become such a 'Damm Yankee.'"

It may be true that I have lost the art of slurring the "R's" and I may say "four" instead of "fo" and "door" instead of "do", but I assure you that I have not lost my affection for this great State and for the Southland.

It is strange—after living 36 years in the North—that the word "Yankee" still is synonymous in my mind with the word "Republican"; and the Republican Party today is the great "States' Rights" Party—doesn't that make you laugh? And I wonder what our fathers would say if they were here. Politics has always made strange bedfellows, and, with the chaotic conditions existing today, party lines have gone far afield from where they formerly were.

And speaking of politics, I understand you had a primary in this State last week, and while I do not propose to enter into any political discussion, for it would be presumptuous for me to take a partisan side among my fellow Mississippians, yet I cannot miss the opportunity of saying how delighted I am that Senator Harrison is going to be returned to the United States Senate, not so much on his account, because I, personally, think that a man may remain in public office too long for his own good, in view of the personal sacrifice entailed, but for the sake of Mississippi; because I know that he has become a National figure, that he is one of the leaders of the Democratic Party, and that he occupies one of the most powerful positions in the Senate, namely, Chairman of the Finance Committee. Whether there is a change in National politics or not (and there isn't going to be any change in November) he will still remain Chairman of that important Committee.

I had no little difficulty in determining what I would speak to you about. My mind turned first to a constitutional question, as would that of any lawyer, but I came to the conclusion that our poor old Constitution has been talked about so much and every one of its amendments has been discussed so often, that you would probably prefer not to hear any further discussion on the subject. Whatever may be said about it and about changing it and bringing it up to date to meet conditions that no one dreamed would exist, when it was being drafted, I still have an abiding faith that it will survive. It may be battered; it may be knocked around in the political ring, but it will never be counted out, and it will go on functioning as a great light, guiding us through the turbulent seas of modern times.

I thought possibly you might be interested in hearing of some of the problems that confront the Department of Justice in the

Southern District of New York, and the part it plays in its program of crime suppression.

What is the most fertile field for crime? It is, of course, the large city, where crime is more difficult to detect, where the criminal consorts with other criminals, where the racketeers and gangsters are to be found.

So that you may visualize the scene of activity of the criminal in the Southern District of New York, I may say to you that it consists of eleven counties, running from the southernly end of New York up to the City of Albany, the capital of the State, with a population of approximately four and a half million people.

Why does crime exist in the greatest of all modern cities? And I have no doubt that similar conditions will be found in all the other large cities in this country. Let me give you a brief description of the Cosmopolitan mixture of the people in that metropolis. It being the chief port of entry, naturally, a majority of the aliens coming to this country land there. The population of New York City is made up of people from every part of the world. It is the largest Italian city, for there are more than a million people of Italian extraction within its confines. It has eight hundred thousand people of German extraction. It has nearly two million Jews. It has over three hundred thousand Negroes. It has, among its population, so many Southerners that if they were segregated in one place, they would make one of the largest cities in the South.

We are facetiously called "Carpet-Baggers from the South", but my answer to my Yankee friend is that the "Northern Carpet-Bagger", who went South during the period of reconstruction, simply took everything he could get his hands on; whereas, the "Southern Carpet-Bagger" in New York gets only what he can earn as the result of fierce competition with men from every state in the Union.

New York offers, as does every other great city, a hiding place for the criminal class, and in this class will be found many with the slimy and gripping hands of the alien criminal. This type of criminal is found engaged, not in the commission of one specific crime, but runs the gamut of violation of nearly all the criminal statutes. For a long time their offenses were principally against local ordinances and state laws, but the Federal Government enacted laws making it a crime: To commit part of a crime in one state and consummate it in another; to transport women from one state to another for purposes of prostitution; to flee from one jurisdiction to another after a crime had been committed; and to refuse to testify about a crime in one state where the witness resided in another. This has brought upon the Department of Justice a tremendous amount of work which was formerly left to local authorities.

What are the agencies employed by the Government in the Southern District of New York to suppress crime and to track

down the criminal? There are a number of crime prevention agencies operating for the Government under the jurisdiction of the Department of Justice and the Treasury Department. Last year these agencies cost this country about thirty-three million dollars, and their work resulted in the prosecution of some fifty thousand persons, charged with violation of Federal statutes.

Under the jurisdiction of the Treasury Department, we have in the City of New York a Narcotic Squad which runs down dealers in narcotics, one of the most vicious of all practices—the enslavement of a human being to a living death. They not only sell smoking opium, morphine, cocaine, heroin, and other derivatives of morphine to veteran addicts, but they have their agents marching up and down the streets of the cities of this country trying to secure new customers, because once they make a sale, it is quite likely that the unfortunate victim will become a persistent buyer. They even go so far as to attempt to sell their wares to high school pupils, and you can well imagine how this business is so profitable when I tell you that at times the products they sell cost the victim \$90 an ounce. There is an unwritten rule that one who is apprehended buying or selling will never tell where he gets his supply from, because if he did, he would be likely “bumped off” within a short time. The penitentiaries of this country have many inmates who have been sent away for some three to ten years for violations of the Narcotic Laws. If they would only tell where they were able to get their supply their sentences might be reduced, but not one of them will open his mouth because he knows what his ultimate fate would be.

Other agents coming under the jurisdiction of the Treasury Department are the Customs Squad which checks the importation of all foreign goods, so that the Government duties will be paid. They, likewise, are the ones who cause you a little disturbance when you get off the ship after having visited some foreign port, particularly if you feel that your wife hasn’t declared everything she bought abroad.

There is also the Intelligence Unit that examines fraudulent income tax returns. They are anathema in the eyes of the average citizen, because many good citizens may have given themselves the benefit of the doubt in income tax matters.

A recent case in my office disclosed the fact that a man had not filed a tax return from 1922 to 1931, yet the field agents found, from the meager records they could get their hands on, because he kept few records, that he had made about \$350,000.00 profit from the sale of stock in one year; that he had cash on deposit in the banks at one time amounting to about \$700,000.00; and that he was living at the rate of \$50,000.00 a year, driving a Rolls Royce around the streets of New York, and keeping a yacht in one of the nearby rivers.

The Secret Service, which is one of the oldest groups in the crime prevention agencies, devotes its time, among other things, to protecting the life of the President and to running down counterfeiters.

You would think that anyone would be hesitant about engaging in the extremely hazardous business of counterfeiting, because detection is inevitable. It may take some time to get the counterfeiter, but he always lands in one of the Government prisons with a long-term sentence.

Recently, these efficient agents of the Treasury Department finally ran to ground the famous Count Lustig, whom the police of the world have been after for years because he is considered the cleverest of all modern counterfeiters. A foreigner, he had been arrested eight times on the other side and convicted and served a sentence each time; yet he had been arrested on this side more than twenty-five times and never had been convicted. His counterfeit bills were so accurate, with the silk threads running through them, that more than \$2,000,000.00 passed over the tellers' desks of the banks of this country before he was finally apprehended and convicted and sent away for fifteen years. He is now a resident of that castle in the Pacific known as Alcatraz, with Mr. Al Capone as his close neighbor.

The Department of Justice has only one agency under its direct control, and that is the wonderful body of young men constituting the Federal Bureau of Investigation, commonly known as "G-Men". You may talk, and justly so, of the accomplishments of the famous Scotland Yard, and you may give equally high praise to the Northwest Mounted Police of Canada, but I am sure that our Government's group of "G-Men" is the equal of, and many consider it superior to, the foreign crime prevention agencies just mentioned.

There are about six hundred scattered through the country—sixty of them in New York City. These men are picked without political influence, and, under the direction of Mr. Edgar Hoover, a group of very remarkable men has been assembled. Most of them are lawyers or certified public accountants, and many young graduates of Harvard and other leading law schools of the country are to be found on the roster of this Bureau. They are more or less career men, not subject to political change, with the result that an opportunity is offered to a fine group of young men, with a desire for adventure, to lead an exciting life, and, at the same time, to be well compensated, because they enter the Bureau at a salary of \$3,200.00 and finally reach \$7,500.00 a year if they remain in the service.

Their work, under the Federal Kidnapping Law, in apprehending every well known kidnapper is an amazing feat of crime detection. Not a single one of them is walking the streets of this country today. They have all been killed or are behind prison bars with long-term prison sentences.

I find that it is commonly thought that a United States Attorney has his own corps of detectives or agencies assigned to his office. That is not so. The crime prevention agencies to which I have just referred are the ones that seek out the criminal and secure the evidence for his conviction, and he is then turned over to the United States Attorney's office for the district in which the crime has been committed for prosecution.

The office of the United States Attorney for the Southern District of New York has a personnel of one hundred and forty people, of whom sixty-five are lawyers. The work in the office is divided into two sections, Criminal and Civil. In the Criminal Division there are filed nearly 500 indictments per year, and complaints and informations aggregated about 200 per month. In the Civil Division, 1,000 suits, either for or against the Government, are handled each year. The greater portion of the work is in the Civil Division, yet the office is known as a criminal prosecuting one.

ALIENS—VIOLATION OF IMMIGRATION LAWS

From the time of the foundation of our Government until 1880, this country held out its welcoming hands to immigrants from all nations of the earth. Those that came during that period were from Northern and Western Europe, of British, German, Irish, and Scandinavian stock, and those coming from Southern and Eastern Europe during that same period constituted only five per cent of the total immigration.

After 1880, Southern and Eastern Europe poured into this country millions of immigrants, and between 1890 and 1900 fifty-two per cent of all immigrants came from that section of Europe. In the subsequent decade, they came in such hordes that seventy-one per cent arriving in our seaports came from Southern and Eastern Europe. It has been estimated that between 1870 and 1910 over 9,000,000 immigrants of racial stock of Southern and Eastern European countries came to the United States, and it has been stated that by 1900 the Slavic, Jewish, and Iberic races were sending over three-fourths of all immigrants coming into the United States at that time.

No doubt this impetus toward immigration to this country after 1880 was due largely to the demand for cheap labor in this country, as well as the conditions that the immigrants had to contend with in his native land.

It is interesting to note that statistics show that up to 1880 only about three per cent of those who came to this country were illiterate, and thereafter the rate of illiteracy increased at times to about thirty-five per cent.

The immigrant from Southern and Eastern Europe created entirely new conditions in the country of his adoption after his arrival. He came over here with a strong foreign background and

was not easily assimilated in our social life. He preferred to remain in the large cities of the country or to become a mine worker or employed in factories adjacent to such cities, and there he remained.

It is interesting to note that after the Homestead Strike in the Carnegie Steel plant in 1892, a totally different type of labor was employed in the steel industry, for it is said that by 1907 seventy-five percent of the workmen in this industry were foreign born.

The situation in respect to immigration has caused a great deal of concern, particularly as to the type of alien arriving in this country subsequent to 1880. Many attempts were made to restrict immigration before the final passage of the Quota Law in 1921. For instance, in 1850 certain Protestants became alarmed at the influx of Irish and German Catholics and organized a party to oppose such immigration. After the German revolutionary uprisings of 1848, conservatives in this country opposed entry of German Socialists because of their radical teachings. Undoubtedly, strong opposition to unrestricted immigration arose by reason of labor leaders seeking to raise the standard of living of all labor in the United States. The World War, of course, produced a Nationalism in this country. That, together with the efforts of the labor leaders, led to the first laws restricting immigration.

For years prior to the World War, many measures were discussed in Congress, and finally, in 1917, a law was passed based upon illiteracy. After the war, the 1921 act limiting immigration to three percent of the number of the several nationalities, according to the census of 1910, was enacted. This bill was vetoed by President Wilson, but it was re-enacted during the Harding Administration. During the succeeding administration of President Coolidge, the law was amended so that the basis chosen was the year 1890, which greatly favored immigrants from Northern Europe. After 1927, the immigrants coming to this country were limited to 150,000 in any one year. This provision no doubt prevented this country from securing a large number of desirable immigrants coming from countries that would be easily assimilated in the great melting process that goes on in the United States.

These restrictions placed upon immigrants attempting to come into this country under the Quota Law, and affecting those who were already residents of this country, but who had come in here unlawfully, have given rise to a new type of crime among aliens. It consists of a violation of the immigration and naturalization laws of the United States. The effect of the Quota Law was to reduce the number of persons eligible to enter the United States to a point far below the number of Europeans who desired to leave war torn Europe for the reputed gold that could be dug from the streets of the New World. Millions of European applicants for visas were turned away by American consuls because the quotas were already filled. There are no statistics available, but it has been variously estimated that approximately three or four million

people were prevented from coming into the United States during the years 1921 to 1931 by reason of the quota restrictions. The alien turned away from the American consulate was an easy prey for unscrupulous countrymen who would undertake to smuggle him into the United States.

The number of people residing in the United States who have unlawfully entered this country has been variously estimated. Some of those who should know estimate that there are several hundred thousand, and other responsible authorities estimate that there are several million. There can be no statistics on the subject, because the Government is without knowledge of their presence here, for, immediately upon finding them, they are deported. They have gotten into this country by first coming to Mexico, to Cuba or to Canada and slipping across the borders into the United States at the first opportunity. Others have procured employment on ships touching American ports and deserted their vessels to remain in the United States. Then, too, thousands of others have entered the United States through the use of counterfeit passports and counterfeit visas.

The life of the alien unlawfully residing within the United States is attended by numerous perils. He lives in constant dread of some spiteful enemy, some business rival, an angry wife, revealing his presence to the United States authorities. One living under these conditions is necessarily open to the type of crime which has, as its purported object, the legalization of his residence in the United States. He wants, of course, to bring other members of his family here. He desires frequently to make a pilgrimage to his native country, and then he must secure a re-entry permit predicated upon his lawful entry into the United States. Subsequent to the quota year, there has sprung up in nearly every foreign community, and in this country as well, racketeers who not only blackmail aliens unlawfully within the United States, but offer to them, in return for large sums of money, citizenship papers and re-entry permits which purport to be genuine.

If an alien finds one of the Government agents on his trail, although he has been in this country for years engaged in business, has married, and has raised a family, he immediately goes to one of his brother aliens for help, and, according to the amount of money he has, he then starts on his criminal record, paying as much as \$2,500.00 to procure his citizenship papers. The man to whom he goes tells him, of course, that he can secure his naturalization. He signs papers that are presented to him and he at once commits perjury at least three or four times, or the procedure may involve the bribery of an employee in the immigration and naturalization service, for it frequently requires the falsification of Government records and the issuance of spurious official papers. What the alien gets confers no legitimate benefits upon him, for the papers he receives are subject to cancellation.

Another class that is causing no little disturbance are those that have come to this country lawfully and have lived quietly until they receive their final papers of citizenship. Then, as soon as they become American citizens by naturalization, they feel that they are free to do as they please. They go out to various parts of the country and begin to plant seeds of Communism in the factories and industries that are to be found in the great cities of this country, preaching the doctrines that seek the destruction of our form of government.

Apparently, no crime has been committed when they do this, and they can't be deported to their native countries. If you could only see one of the parades in New York City of the foreign element calling upon some official for some sort of relief against the duly enacted laws that they consider harmful to their interests, their labor disputes, their wages, and their conditions of living—you would find this class carrying most of the banners. They may be imprisoned for the commission of some crime, but that does not act as a deterrent to them, for immediately upon being released from prison, they go back into the work of carrying on their nefarious propaganda.

More stringent laws could be enacted by our Congress to rid this country of these undesirables that are causing a great deal of disturbance and trouble, which would give the Government the right to deport, after a judicial hearing, every alien in this country who had been given the privilege and the right of citizenship, when a court of competent jurisdiction should hold that it is for the best interests of the country that he be deported. What they really fear is deportation.

Many of these aliens, lawfully and unlawfully in this country, are engaged in every form of crime. Many of them are vendors of narcotics; they are engaged in the illicit distillation of liquor in violation of the liquor laws of this country; they are expert counterfeiters; they are "White Slavers"; and they are often mixed up with international crooks who are stealing securities in this country, and, when they find they can't dispose of them here, sending them to members of a gang on the other side.

Out of two gangs of twenty recently apprehended by the Government, charged with the theft of \$2,000,000.00 in Treasury Notes from tellers' windows in two of the large banks in New York City, eleven were foreign born and seven of the remaining nine were of foreign extraction. The "G-Men" finally got on their trail and followed one group for sixteen months. They had stolen \$6,800,000.00. In this lot were six \$100,000.00 Treasury notes and eight \$10,000.00 notes. Of course, it was difficult to dispose of these Treasury Notes, because every bank in the country was immediately informed of the theft. They were shadowed to California, to Florida, through the Bahama Islands, to Europe; and finally, in a house in Florida, up in the attic in a fruit jar, filled with beans, presumably put there to dry for next year's planting, was

found one of the \$100,000.00 bills. One member of the gang was apprehended while walking along a street, and inside the sweat band of his hat was found one of the \$10,000.00 notes.

After listening to the recitation of some of the problems that confront the Department of Justice in its efforts to eliminate crime and punish the criminal, you have every reason to believe that my task as United States Attorney for the Southern District of New York is a backbreaking one. It is true that the post I hold is a strenuous one, for you could spend twelve hours a day and twelve hours a night with the various crime prevention agencies bringing in daily a different sort of criminal for prosecution. It is depressing at times, for you are constantly dealing with the liberty of human beings, but every now and then this routine is broken by an amusing incident.

Some weeks ago the secretary of the Department came in and said, "There is a 'colored gentleman' here to see you." After this "colored gentleman" had been waiting for some time, I saw him. It appeared that he had been kept from entering his pew at a church up in Harlem while the Sunday School children were leaving, resulting in a row with the parson and deacons. He wanted to be advised of his rights in the premises. I told him I knew of no Federal aid I could give him under the facts as stated, that I could give him some real common sense advice and that was, he had better drop any alleged charge he had against the parson and the deacons of the church and let by-gones be by-gones.

STOCK FRAUD RACKET

Another problem of crime suppression is involved in the stock fraud racket, and one which not only affects the Southern District of New York, but likewise the State of Mississippi. P. T. Barnum, the great showman, was right when he said, "There is a sucker born every minute", for it has been variously estimated by Federal and State agencies that the gullible public of the United States loses from five hundred million to one billion dollars every year through stock swindles. The victims encompass all walks of life from cabinet members to servant girls, businessmen—large and small—lawyers, doctors—yes, even prosecuting officials.

Many states in the Union have their own laws aimed to the suppression of these stock frauds, but it didn't take the swindler long to discover that if he ran part of his nefarious operation across the border line of another state, local authorities could do little toward stopping him.

The Federal Government stepped into the picture when it enacted the mail fraud statutes, because the stock fraud racketeer must use the mails. Having the power to issue grand jury subpoenas to anyone throughout the country, a United States Attorney can compel a person from California, Florida, or Maine to attend before a Grand Jury in his district, to be examined secretly

and under oath, and he can even compel a citizen of the United States who is in a foreign country to return to be a witness in a criminal trial. The schemes to defraud are in themselves a very interesting study, and they have been improved and developed to such a fine degree that such successful prosecution is frequently difficult.

The old stock fraud consisted of a simple sale of stock of a gold mining company where the company did not own a mine, and oil stocks were sold of companies without oil wells or properties. The typical modern stock swindle is carefully planned and executed with great finesse. The "big shots" in the stock racketeering business have had long training, and most of them have served their apprenticeship in former bucket shops. They are men whose wealth can be frequently counted in seven figures and, to the unknown, are respected citizens, for they ride about town in limousines with chauffeurs, own yachts, and live in luxurious homes.

The most effective method of a stock swindle is the use of the "tipster sheet", which has gone on despite all the publicity given to expose such glaring frauds. The "big shot" organizing a financial advisory service purports to give advice on investments for a moderate fee. His name never appears in the sheet, but he has a "front man" for that purpose, with some euphonious name, who appears as owner or editor. This "front man" is usually someone who is down and out and who is only too glad to lend his high-sounding name to anything for \$50 a week. In one case, this "front man" spent most of his time doing odd paint jobs on some bungalows while his name was emblazoned on the front page of the "tipster sheet" as the editor advising the public how to invest money.

This advisory service generally publishes a weekly paper which gives recommendations as to the leading stocks on the exchanges. To build up the number of subscribers to the service, stockholders' lists, known as "sucker lists" are purchased from one of the several companies in the business of selling such lists. The name on the "sucker lists" are circularized with a view to inducing persons on them to become subscribers, and, strange as it may seem, it is no secret that a swindler prefers a list that has already been worked, for experience has told him that the victim can be made to bite again, because he hopes that he can recoup his earlier losses.

Various trial subscriptions are given in order to swell the roster of possible victims. During this period of "build up" only good stocks are referred to in the "tip sheet" and the readers are invariably warned against "tipsters" and swindlers, and the stock which is to be used in the swindle is never mentioned. Not infrequently during the "build up" period the swindler himself has not yet picked the stock which he will "load", that is, the stock which he will use as the medium of the swindle. The "build up" operation takes from six months to a year and a half, depending upon the time required to gather in a large clientele.

During this period of "build up" the "big shot" looks around for the stock which he will use to shear his lambs of their money. Always alert to the public pulse, a very opportune stock will be picked. For instance, at the time of the repeal of prohibition, it was liquor, beer, or bottle cap stocks, or those of allied lines, and with the rise of gold, silver, and other metals, mining stocks were the vogue.

When the "build up" has been completed, and the stock is in the name of the swindler's nominees, the time is ripe for the salesmen to appear on the scene. They are high pressure men who contact the victim over the telephone. They are given an outline of the talk they are to make and they are always told to use the name of the editor on the "tip sheet". They work on a commission basis. They are slick talkers and they can always be counted on to paint a glowing picture about the stock they are selling, and it is here that the grossest misrepresentations are made to the public. The victim is told invariably to sell his good stocks and switch into the stock owned by the swindler.

The place where the phone salesman operates is called the "boiler room", each salesman having his own private sound-proof room. The "boiler room" is always located on a different floor from the advisory service office of the "tipster sheet" and in many cases in a different building. The phone salesman rarely uses his own name and great care is taken to see that his name is not known to any employee of the "tip sheet" except those who are in on the swindle.

Long distance telephone calls are placed with the telephone operator in advance on sequence sheets. They consist of sheets containing names and addresses of subscribers who are to be called and a number is given to each name from "1" upward. When the operator gets the prospective victim on the wire, she then puts the call through to the salesman who has before him the subscriber's list of securities which has heretofore been sent in. He tells the victim that this or that stock on his list should be disposed of and gives a plausible reason why it should be sold and the proceeds invested in stock owned by the swindler.

The telephone bills of some of these "tip sheets" run as high as \$150,000.00 a year, and in one instance the bill amounted to \$30,000.00 in ten days, for the salesmen telephone all over the country to the subscribers to the "tipster sheet". While the telephone salesman representing the sheet is urging the public to buy, the swindler is unloading his stock. At this time in the operation, the stock has been listed on some exchange and has been so manipulated that the market price rises constantly. This is alluring bait to the victim, because, as he sits by, he sees his old conservative stocks more or less standing still and the recommended stock of the swindler rising daily.

The investigation of a mail fraud case takes many months of preparation and the trial consumes from one to three or four

months time. Two hundred to four hundred witnesses are examined and perhaps as many as one thousand persons are corresponded with. Post Office Inspectors, trained in this work, aid the Department of Justice in these investigations and the Bureau of Investigation, or "G-Men", do the accounting work necessary to prove the Government's case. Such work involves the examination of every trade made in the stock on the Exchange in order to discover and prove the manipulation in the stock.

In some instances, the prosecution is handicapped by defendants fleeing to foreign countries, as there is no extradition for this crime. It seems very strange that if you rob someone of \$5,000.00 you may be extradited, but if you swindle the public out of \$5,000,000.00 through a mail fraud, you cannot be extradited. Certainly, a great step forward in the suppression of this crime will be made when all future extradition treaties with the nations of the earth include this offense.

It is unfortunate that the Securities and Exchange Commission Law, enacted by the present administration, was not put on the Federal statutes at an earlier date, for if it had been, no doubt millions of dollars would have been saved to the American investing public. This Commission has done much to prevent stock frauds and its work is done before the public is swindled, while the work of the United States Attorney is done after the swindle has been consummated.

I venture to say that seventy-five percent of the prosecution of mail fraud cases is conducted in the Southern District of New York, because that is where most of the operations are carried on. But the swindler reaches out through the mails and by telephone to every state in the Union, and I have no doubt that many men and women in the State of Mississippi have been the victims of these swindlers.

I fully realize, gentlemen, that many of the things I have talked to you about today are largely foreign to this State and to this section of the country. I likewise realize that New York City does not control the destiny of the entire country and that it doesn't constitute the boundaries of the United States; although an immigrant, when asked the question, "What are the boundaries of the United States?", when he was being examined for his citizenship papers, replied, "It is bound on the West by the Hudson River; on the North by the Harlem River; on the East by the East River; and on the South by Staten Island."

However, I do know that it is a great community, one that has a life all its own, and to fully realize this life it is necessary to dwell for sometime within its gates. It is the financial and commercial center of this continent, the home of many fine American patriots, and the pulse beat of our economic life.

New York, after all, is a city of contrasts. It is fascinating; it is intriguing; it is alluring. You hate it one day; you love it the

next. You despise it; you adore it. You are alone; you are with crowds. Yet it is wonderful to behold in all its grandeur with the buildings towering in the blue skies above. It is superb in the fact that there are no limits in the rungs of the ladder that one may climb to fame in every profession and in the walk of every life.

But I also realize that it is men of your type, to be found in the South, in the North, in the East, and in the West—men of character, integrity, and foresight—descendants of those rugged men, our forefathers, who constitute the true spirit of America, and upon whom rest the responsibility of preserving the ideals and principles for which they fought, and it is your duty and my duty to carry on our traditions so that future generations may see the fulfillment of the destiny for which this country was ordained.

THE PRESIDENT: I am asked to announce before adjournment that the circuit judges will have a meeting tomorrow morning at 8:30 in the court room.

We will now take a recess until tomorrow morning.

SECOND DAY

SEPTEMBER 4, 1936

PRESIDENT EVERETT: The meeting will please come to order.

It has been suggested that in view of the fact that a good many lawyers came to Greenville by rail, and that the train leaves at two o'clock this afternoon, in order that we might accommodate those lawyers who would want to catch the train leaving this afternoon, that we go right on through without adjourning, if necessary. That is what we did at Natchez. I take it there will be no objection to that.

In order that we might get down to this calendar, so to speak, it has also been suggested that the matter on the calendar or on the program with reference to the raising of the standards of education for admission to the bar—it has been suggested, and I think probably a wise idea, that that simply be continued, and we can take it up at a later time.

That will give us an opportunity then to discuss the other matters which we have, and I also understand that some other matters which are not on the program may come up, that some attorneys have resolutions that they would like to present, and, of course, we want time for them. I take it that there is no objection on the part of the members of the Bar Convention to continue that matter which was to have been taken up yesterday afternoon and which we did not reach, and that can be taken up at the next association or whenever the Board might see fit to take it up.

That then will bring us to the resolution, or rather to a discussion of proposed changes in procedure in civil matters. That

discussion will be opened by the Honorable John Brunini of Vicksburg. (Applause).

MR. BRUNINI: Mr. President and fellow-members: Your President thought that perhaps it would be more interesting to the members here if we had more discussions rather than the reading of papers, and to that end it was suggested that some of the proposals in a paper that appeared in the December, 1935, Law Journal should be discussed, and the members of the Commission gave the names to your chairman to invite to participate in the discussions.

The first proposal is Proposal Number Two found on page 191 of the Law Journal of December, 1935. That proposal, boiled down, is to give to the supreme court, if it has not already the power, the power to increase inadequate verdicts—I think that states it—just as the supreme court in cases of excessive verdicts, has the right and power to reduce verdicts, leaving that, of course, to the plaintiff to accept or to stand a new trial—in other words, reversing the proceedings.

Now, gentlemen, I am going to call upon Mr. O. B. Triplett, Jr. of Forest, Miss.

MR. TRIPLETT: Mr. President, Mr. Brunini, fellow-members of the Bar: I believe that the principles of our profession require us to support proposal number two, as stated by our leader, the principal objective of our profession is to terminate litigation as early as possible, when the ends of justice may be obtained at the same time, thus avoiding unnecessary delay and expense to the litigants, to the court, to the tax-paying public. We know this, that the exercise by the supreme court of the prerogative to decrease the amount of excessive verdicts and announce to plaintiff that he has the option of entering a remittitur or of having the case reviewed, has produced a salutary result. In eight cases out of ten the plaintiff complies with the offer and accepts, enters a remittitur and the case is over. Would it not stand logically to follow that the same result would be reached, the same objective would be attained if the supreme court were empowered—assuming that it does not have the power at this time—to increase the amount of the verdict to what it considers fair and reasonable, and make the announcement, in like manner, that unless the defendant is willing to pay into court the increase, then the case will be reversed and remanded.

The reasons why the plaintiff has always, in a majority of cases accepted the offer tendered by the court are: *first*, he knows the verdict was excessive, in all probability; *second*, he knows that to go back and stand another trial before a jury is just another rolling of the dice; *third*, he knows that his client wants to get rid of the litigation as early as possible, and the matter is effectively compromised by acceptance of the court's offer.

It seems all the more reasonable that the defendant, who is not always the favored person in a jury trial, would do the same thing; that he, too, would be willing to pay the increase if he knew the verdict was reasonable and not run the risk of a new trial. It seems to me that we should be in hearty sympathy with proposal number two. (Applause).

MR. BRUNINI: We will next hear from Mr. Edwin White of Lexington.

MR. WHITE: Mr. President, Mr. Brunini, Ladies and Gentlemen of the Bar: After a reasonably thorough study and examination into this question as to whether the court does have or should have power to increase an inadequate verdict, it seems to me, clearly the court does not have the constitutional power to increase these inadequate verdicts. Sections 1179 and 1180 of the chapter on appeal and error very ably discuss this question, first, with reference to the feature of diminishing damages. Here is what the court has to say: that the reviewing court only has the right to diminish damages where the plaintiff consents to a diminution of the damages. Of course, we know this is the practice and rule of procedure which our supreme court of Mississippi follows, and that has also met with the approval of the United States Supreme Court. Only with the consent of the plaintiff can it be reduced.

Now, with reference to the matter of increasing a verdict for insufficient damages. It is said that only in a very few jurisdictions, where the action is for unliquidated damages, and where it is clear what the amount of the increase should be, only would it be allowed in very few cases. The reasons for that were very interestingly set forth in a case rendered by the highest court of the State of Missouri. Said the court in that case, that the argument is based before the court that if the court has the power to diminish a high verdict, certainly it should have the right and power to increase an inadequate verdict, but, said the court, we are not very much impressed by this line of reasoning for this reason, where you diminish a large verdict, then the judgment of diminution is within the range which the jury found, whereas to increase the verdict would be outside of the range of what the jury has found, and therefore, it would be unconstitutional.

This is clearly in accord with section 31 of the constitution of 1890 of Mississippi, which says that the right of trial by jury shall remain inviolate, except that the supreme court has said that nine or more jurors may agree upon a verdict and return that as a verdict of the jury.

So that without a constitutional amendment it seems to me that our reviewing court, the Supreme Court of Mississippi, would not have the right to increase a verdict for insufficient damages.

Now, the question of an amendment to the constitution: certainly any reasonable amendment would provide, since in the pres-

ent case diminution of damages can only be done with the consent of the plaintiff—certainly a reasonable amendment to the constitution would provide an increase would not be had without an agreement with plaintiff and defendant.

Thus it seems to me that that would be impossible, and it goes into the realm of impossibility.

And, further, the docket of the appellate court would be cluttered with more appeals, plaintiffs taking a shot, trying to get an increased verdict.

Further, the supreme court itself would invade the province of the jury in weighing the evidence, which however, would not be sufficient before it not having opportunity to observe the witnesses who testified as to the facts, and since it is a rule in England and Canada, and since it is the rule of common law courts in this country, with the exception of Louisiana, that the appellate court does not have the right and power to increase inadequate verdicts, so it seems to me we should let well enough alone, especially in view of the fact that the selection to be changed would be the section providing for trial by jury, and an amendment would be very dubious. So, I say, we should let well enough alone and let it stand as it is. (Applause).

MR. BRUNINI: The next speaker will be Mr. Ross Barnett of the Jackson bar.

MR. BARNETT: Ladies and gentlemen of the Mississippi State Bar: I am going to talk but a few minutes. I say I am going to talk but a few minutes, because if I did you might have the same attitude that the people in Jackson had toward a little girl at the picture show the other night. When she came back home she asked her mother, "Does the Lord love a person better standing up or sitting down?" Her mother said "Why should you ask a question like that?" She said, "Last Sunday at Sunday School we were required to stand and sing 'Stand Up, Stand Up for Jesus', and last night at the picture show I was seated on a front seat and stood up so I could see better, and a fellow behind me hollered, 'For Christ's sake, sit down'." So if I stood here and talked very long you might have the same attitude toward me.

I am in favor of proposal number two. As I understand the rule, ladies and gentlemen, the circuit courts of Mississippi, the State Supreme Court and the United States District Courts have the right, and it is the duty of the courts, as I understand the rule, where a verdict is so grossly excessive that it evinces passion, prejudice, and ill-will on the part of the jury, then the court has a right, and it is the duty of the court, to enter a remittitur in a sum that will be reasonable after consideration of all the facts and circumstances.

Now, as I understand the law, the courts not only have the right, but it is the duty of the circuit courts, the State Supreme

Courts, and the United States District Courts, where the United States District Courts follow the state practices and procedure, to enter a remittitur in cases where the verdict is grossly excessive, it being optional, of course, with the plaintiff as to whether or not he will accept the amount after the remittitur has been entered. Since the courts have the right and it being the duty of the courts to enter a remittitur where the verdict of the jury is grossly excessive, then certainly the courts should have the right and it should be the duty of the courts to increase the verdict of the jury where the verdict is so small that it evinces passion, prejudice, and ill-will on the part of the jury against the plaintiff. I cannot see any logic in the discrimination. If the courts have the right and power to enter a remittitur where the verdict is grossly excessive, then certainly they should have the right and power to increase a verdict that is so grossly inadequate that it evinces passion and ill-will on the part of the jury to the plaintiff.

Of course, as I understand the proposal, it would be optional with the plaintiff to accept the amount of the verdict after the court increased an inadequate verdict. That is true, is it not, Mr. Brunini?

MR. BRUNINI: Yes.

MR. BARNETT: The plaintiff, of course, would not be bound to accept the amount of the verdict after the remittitur or after an increase, if any, and I believe the courts should have the power and it should be the duty of the courts to increase the award as the court might think would be fair and just under all circumstances. As my friend, Mr. Triplett, said, it will expedite matters and enable us to terminate many suits. The people I represent need the money, and I need the money and want it. The plaintiffs that I represent would be willing for the courts to settle the matter in so far as excessive or inadequate verdicts are concerned once and for all when the matter is before the court for the first time. It would save a great deal of time and expense if we had a law in Mississippi as they have in the State of Louisiana, that is, to give the courts the right, where the verdict is grossly inadequate, to increase the amount to an amount that would be reasonable and fair under all facts and circumstances. I thank you. (Applause).

MR. BRUNINI: We will hear from Mr. Bob Ray of Canton.

MR. RAY: Mr. Brunini, Mr. President, Ladies and Gentlemen of the Bar. I have been trying in vain to find out just why I was asked to discuss this matter, when there are members of the Bar who are far more capable of discussing a proposition of this kind. After having indulged in the practice of law for a short while the solution finally dawned on me. The senior members of the bar wanted to give the junior members some recognition. No one else will.

In order to speak the truth, I must speak anonymously in regard to my cases in the past. However, I am inclined to follow the

views of Mr. White on this proposal. I would like to read the proposal in order that it might be brought clearer before your minds:

"The rule of our court is to reduce an excessive verdict to what our court believes to be a fair and reasonable verdict, but it does not give the court the right to increase an inadequate verdict to what it thinks fair and reasonable. Is there any logic in discrimination?"

Gentlemen, I am against this proposal. Precedent alone sustains me in my convictions. Even before I entered Law School and especially since that time, because of my interest in the function of our courts, I have never failed to sit and watch the procedure when opportunity afforded me a chance to do so. Up to the present time, I have never seen or heard of a jury giving an insufficient verdict. (Applause). If I might say so without the slightest idea of boasting, I think that I have a fair, unbiased, and democratic mind, however, I do not believe in the jury system in every civil case in the circuit court. There are some cases which involve intricate scientific facts. Unless a group of people have had adequate time to give such facts careful thought and unless they have been trained in the field of science, they are not able to grasp and understand such facts by a mere explanation. For this reason, in my opinion, the Equity courts accomplish far more in a shorter length of time than the courts of Law. (Applause).

The psychological point of view is that juries are rather reluctant to give a large verdict. This is a way of showing and expressing their power. The jury can not help but be prejudiced to the plaintiff. The plaintiff opens the argument before the jury, and is blessed by having a rebuttal in the form of the closing argument. The jury retires with the argument of the plaintiff still fresh on their minds. Then too, because of the human inability and the lack of self-control in any instance where an unusual situation arises, every injury, regardless of the kind, is exaggerated to a great extent. Because of this, I think there is some logic in the discrimination mentioned in the proposal at bar.

There are also other reasons for this discrimination. I do not think that the Supreme Court, not because of lack of ability but rather because the circumstances are such that they do not have the opportunity to study the character and personality of the witnesses, is able to judge just exactly what the damage might be. (Laughter). The jury relies to a great extent on the way in which the witness testifies, his character, personality, and integrity. The jury relies on how familiar the witness is with the subject matter. Human nature wields a strong force in the trial of a case and I might add that a jury is a pretty good judge as to whether or not a witness is telling the truth. When the testimony goes up on the record it looks and sounds quite different from that testimony which was presented at the trial in the lower court. It has been stripped of its expression, personality, and most of its effect. The

human mind is yet to be born that can transform personalities to a mere writing and yet preserve that vivid expression which is so peculiar to the human race. (Applause).

Gentlemen, for these reasons I am prejudiced against the jury system in certain cases, but I do not think the supreme court should have the power to increase a verdict, and, therefore, I take the stand against the proposal as read in this discussion. (Applause).

MR. BRUNINI: We will now hear from Mr. Chas. S. Tindall of Indianola.

MR. TINDALL: Mr. Brunini, Mr. President, Ladies and Gentlemen of the Bar. I think possibly enough has been said about the expediency. The reason might be added for this proposal, I think, the justness and fairness with which a jury might be weighed, may add a great deal to what the layman in Mississippi thinks of our courts and of our system of law. I am more, therefore, interested in answering as well as I may what Mr. White has said about the constitutional aspect of this problem. I don't know that I have made as thorough an investigation as he has, but I am inclined to take the opposite view that without a constitutional amendment there is adequate power in our courts for allowance of a remittitur, either by trial court or by appellate court.

Our appellate court, as has been stated, has the power to reduce the size of the verdict. That is not different from the power of the federal courts to reduce the verdict where it is considered excessive because of prejudice or some other misconduct of the jury. Therefore, I would like to bring to your attention at this time one case in which I will have to admit five members of the supreme court decided with Mr. White, but I am inclined to follow the reasoning of the dissenting judges of that court, which was presented by Justice Stone—I just naturally like their line of reason, and I would like to present the argument as made.

An attempt was made to raise the size of the verdict; it was considered fair to defendant and to the plaintiff, as made by the constitutional provision in the 7th Amendment of our Federal Constitution, that the right of trial by jury shall remain inviolate, and by the section that Mr. White quoted, that jury trial shall remain inviolate. So far as I see there is no difference. Because a jury has passed upon a larger amount than a smaller amount has for me no significance. I am inclined to believe that the rules that are generally recognized, those being that the court would have power within its discretion to grant a new trial, and the other rule that a new trial, refusing or granting of a new trial within the discretion of the court, is not subject to review if the appellate court has the power to either grant a remittitur or additur to it. Five justices of the supreme court considered the additur as unconstitutional, went back to English history, and to the common law at the time of the American constitution. They said that at that time the remitti-

tur was the only thing allowed in the English courts, and for that reason that was all the common law allowed at the time of the adoption of the federal constitution. They admitted that there was very little difference between the two instances. They felt that owing to the fact that the English courts have now reversed their position and would not allow either remittitur or additur, the United States rules should not be changed further.

Mr. Justice Stone, in answering that, takes the opposite position, and says there is no distinction between the two, that the common law at that time was not fully and completely formed; that there is no way of telling just exactly what the practice in the English courts was. He goes on then to say that the federal rule as to a remittitur was first pronounced in the United States in our courts by Mr. Justice Storey, and that rule has been followed since that date—I think, 1822. He then says that the smallest sum in the case of remittitur has been included within the jury verdict has no special significance; that in the case of either remittitur or additur by the court the jury has not fixed the sum as finally fixed by the court. That, I think, presents the matter, and I feel it is up to us to determine. I am fully convinced that there is no constitutional objection and that the courts of this state have power, without constitutional amendment, to adopt the proposal, and allow additur when the verdict is considered inadequate. (Applause).

MR. BRUNINI: We will now hear from Mr. Geo. P. Cossar of Charleston.

MR. COSSAR: Mr. Brunini, you have me slated for the affirmative of that, have you not? (Applause—laughter).

MR. BRUNINI: Yes, but if you would like to get on the other side, that will be all right.

MR. COSSAR: My contention is that this change in our procedure as to giving both parties the same justice and the same right in our supreme court, I would certainly think that according to our constitution in Mississippi, I believe Section 24, where it sets out that right and justice should be given to every one in every case, disregarding the fact of reputation of the parties, etc.—that is given, as I see it, in our lower courts; but when a case comes to our Supreme Court on appeal it appears to me as if the appellee is forgotten and the appellant receives practically every consideration possible. As I see it, the appellant has everything on earth to gain, whereas the appellee has everything to lose on appeal and will not receive any more than he already has.

I know a case over in our county—I don't know whether all the counties are that way—a small judgment has been rendered. I am firmly convinced that the appellant in this case does not have any reversible error whatsoever on which to rely in the Supreme Court, yet in order to keep down such cases of this kind he is going to cause the appellee in this case all the trouble possible to get his

little \$500.00, you might say, and by doing that, he appeals, knowing that he cannot lose but \$500, knowing that the jury has already given a verdict for \$500 against him, and now he is going to try to reduce that amount; whereas the appellee has to go there and fight for what he has already. I say in our Supreme Court that the appellee in accordance with our Constitution of Mississippi, right and justice are forgotten after it leaves the lower court, so to speak, with reference to these verdicts, and all he has to fight for is to hold what little verdict he has and what he has is cut down in half, possibly.

So it is certainly my contention and I think the rule of our procedure is not in accord nor sympathy with our Constitution when it denies the right of the appellee to raise the damages as well as increase them in our Supreme Court, and I certainly think he should be given the same consideration as the appellant.

Second, we find on appeal the plaintiff in most cases is a poor person, a person who in most instances has to take the pauper's oath in order to get around the costs. Then he or she, for payment of her little judgment that she has, has to be going then to the Supreme Court for his or her judgment, the judgment possibly refused, possibly put off two, three, or four years in the payment of this judgment, and possibly remanded back to the state court without giving any consideration whatsoever, except to hold what he or she merely has.

So I should think a change in our procedure, providing for raising of damages that the Supreme Court might think inadequate, is certainly just and right, as well as decreasing a judgment that has been appealed there. (Applause).

MR. BRUNINI: I am sure it must be pleasing to the President and the members of the State Bar Commission to have so many young men stand up and present their views, because they will follow us, and I think more than likely we have heard from the older members too frequently. We have on this proposition more debaters than on the other proposals, so just bear with us, we will go rapidly through the other proposals. We have now Mr. W. A. Ellis of Carthage who will address us.

MR. ELLIS: Mr. President, Ladies and Gentlemen: I am sorry I have been delayed, I was behind a little bit, I have been looking over the city, this beautiful city of temples and palaces, and visiting some of its lovely people. I am a little delayed in coming in. I always like to pay a tribute to Greenville by the River. However, that is not the matter in hand.

My friends, you have heard this matter thoroughly discussed, constitutionally, statutorily, and judicially. I know of nothing that I can add by way of interest to adorn and set it off, but really I would like to take the affirmative of this case, for the reason that sometimes corporation lawyers think a verdict is too low against

them and perhaps it ought to be raised in the higher court (laughter)—I am sure the corporation boys are behind this proposition. Both Brother Brunini and Brother Calvin Wells understand that very well, and others.

Now, my friends, in taking the affirmative, I will be short. If the Supreme Court has the right to enter a remittitur, as you call it, at the option of the successful man, by parity of reason they ought to have the authority to raise it in case of injustice. Where justice is not tempered with mercy, it might hang like the sword of Damocles over a fellow's head, and let them raise a verdict. It has never been the law in Mississippi; of course, it has never been necessary, but no people can know when it will become necessary. As a matter of fact, so often a snap judgment is rendered and the court thinks it is unjust. We want to protect and not run them out of the state and bring them down here, so as to balance agriculture with industry, so to speak, (laughter) as Governor Hugh White is wanting to do, and we hope will do in due course.

And my friends, while it may never be necessary, yet the courts should have the right to do like they do in Louisiana in cases of emergency. I think it will be rarely invoked in any court in the state of Mississippi, but in case it does become necessary, why so let it be. I thank you. (Applause).

MR. BRUNINI: We will hear next from Mr. Ernest Keller.

MR. KELLER: Unfortunately I have been out of town and did not get a chance to attend your meeting yesterday but this morning I at once became interested in this question.

I know of no law case in Mississippi where our court has ever raised the amount of the judgment. However, there are two chancery cases in Mississippi where the court has, and they have made it mandatory, made final judgment. One of the cases I took to the Supreme Court myself. A few years ago the levee board set the levee back at Greenville. I instituted suit for a Chinese merchant to recover damages, on account of the set-back to his property. The Commission made no award. Representing the plaintiff, I appealed to the chancery court of this county. Both sides waived jury trial. Evidence was introduced by both sides and Judge Williams, acting as court and jury, made an award of \$1,000. It was a very interesting case. I had the case on contingent fee and I did not want to appeal—I thought my services were over with, but my client said, "It will not cost me any more money, except court costs, to take it up." I began to work on it, and I came to the conclusion if the record—and I think it did—showed that the finding of the chancellor was against the overwhelming weight of the evidence, that the court would have a right to set it aside and remand it and order it raised to the minimum amount testified to in the record. I took it up, therefore on that theory, and the Mississippi Supreme Court raised the award from \$1,000 to \$2,500, citing no authority in the opinion.

Later on I noticed a case in Adams county in which Lawrence Kennedy was handling an estate, and the trial court awarded him a fee of \$1,500 for his services over a long period of years. He took it to the supreme court, on account of inadequate compensation; the supreme court allowed him a fee of \$5,000—raising it from \$1,500 to \$5,000.

I just wanted to call your attention to these two cases. (Applause).

MR. BRUNINI: That last opinion certainly ought to appeal to the members of the bar.

That concludes the list of speakers who kindly consented to address us, but if there are any other gentlemen who would like to speak on the subject, we do not want to close them out.

VOICE: Vote, vote.

MR. BRUNINI: The question is whether we shall seek an amendment or legislative act to make the change effective under proposal number two. I move the adoption of the resolution.

THE PRESIDENT: The question is whether we shall seek legislative action or an amendment to the constitution to carry out proposal number two. Is there a second.

VOICE: Second the motion.

THE PRESIDENT: All in favor of the resolution will let it be known by saying "Aye"; opposed "No". It seems to be pretty evenly divided. Please those in favor stand and remain standing until you are counted.

There are sixty-two for.

Those who are opposed please stand and remain standing until you are counted.

There are fifty-seven against.

Therefore, the resolution is adopted.

MR. BRUNINI: We will now take up Proposal Number Three, that seeks to reduce the six-year statute of limitations for the bringing of personal injury suits to a less number of years—I do not believe stated in the proposal. We will hear from Mr. Forrest Jackson.

MR. JACKSON: Mr. President, Mr. Brunini, Ladies and Gentlemen of the Mississippi State Bar:

I want first to express appreciation of the younger members of this Bar and to Mr. Brunini and the Commission for permitting us to have a little more to say in this Bar Association, especially on these matters. Mr. Ellis and Mr. Kellner and some of the rest of the boys appreciate it. (Laughter—applause).

I am in favor of the reduction of the statute of limitations from six to a shorter period for personal injury actions, first, because we would be more nearly in line with the majority of the states of the Union. There are only three states of the American Union that have six year statutes of limitation for the bringing of actions for personal injury. They are South Carolina, Alabama, and Mississippi. Louisiana and several of the other states have the shorter period of one year. I think that is too short. The majority of the states, approximately thirty of them, have a two-year statute, and about fifteen of the states have a three-year statute. It seems that the three-year statute is the more recent trend of all of the states that have had any recent legislation on the subject. The longest period of limitation for personal injury is the Philippine Islands—ten years. Mississippi, South Carolina and Alabama have six years. If a plaintiff cannot determine within a period of two or three years whether he or she has a cause of action, then something is wrong with our lawyers in Mississippi, because usually a person knows whether they have received any injury; the witnesses are available and are present; the parties are available and present.

Recently, we had a case representing a plaintiff, where the cause of action arose in Texas against a Louisiana corporation. We filed suit for the plaintiff under the Louisiana law. The cause of action was barred; because of the one year statute the time had expired. Under the Texas statute it was just about to be barred because they have a two-year statute there. We filed suit in Mississippi, service on the defendant corporation qualified to do business in Mississippi and the suit is now pending, and John Satterfield and his firm are defending. I give you that illustration to demonstrate that I think the three-year statute is proper, because this man was injured to the extent that he was in the hospital something over twelve months. He did not have an opportunity within that time other than to discuss it with ambulance chasers, to discuss what cause of action he had. He did not get out of the hospital in time to file it under the Louisiana law, and the Texas statute, or period of limitation under the Texas statute, was about to run out.

If you reduce it to three years, then you bring about a speedy conclusion to claims and litigation. All real, just claims, as all of us know, certainly could be determined within a period of three years. We determine it on our open accounts; we determine it on other causes of action. Then why not determine it on claims for personal injury?

I am in favor of the proposal; I am in favor of reducing the period of six years to at least three years. (Applause).

MR. BRUNINI: We will now hear from Mr. W. C. Roberts of Rosedale.

MR. ROBERTS: Mr. President, Mr. Brunini, Ladies and Gentlemen, as I understand the proposal, it is to recommend to the

legislature that the statute of limitations of Mississippi, with reference to personal injury actions, be reduced from six to either one or two years.

I, too, agree with Mr. Jackson that this proposal should be adopted. As you perhaps know, at the common law there was no limitation of action. It is true that in some cases the courts would decline to permit an old claim to be enforced. The reason for that, however, was that the claim was a stale claim, not because of any limitation of action. The result is the same, but the reasoning, of course, was different.

At the present time the courts of a majority of the states of the Union take the view that a limitation of action bars the remedy but does not bar the right. Prior to 1880 the courts of Mississippi took that same view. Because of that reasoning by the courts in a majority of the states of the Union the people and lawyers of those states generally feel that the defense of the statute of limitation is not an honorable defense. They feel that only the remedy has been barred; the right is still there. That has been done away with in Mississippi by the adoption of the Code of 1880, which expressly provided that statutes of limitation not only extinguished the remedy but likewise extinguished the right. Therefore, in this state the position could not be well taken that the defense of the statute of limitations is not an honorable one.

As has been pointed out by Mr. Jackson, the greater part of the states of this Union have adopted a much shorter limitation than has been adopted by Mississippi with reference to personal injury actions. Some of the states which have a limitation of action as long as that of Mississippi, namely South Carolina and I believe one other, probably Wisconsin, have adopted the view that the defense of the statute of limitation is a dishonorable defense, and that it is discretionary with the court as to whether or not it will permit that defense to be made. As has been pointed out that could not be the rule in Mississippi for the reason that our statute of limitations not only bars the remedy but likewise bars the right.

Of the forty-eight states in the Union, thirty-nine have adopted limitation of action in personal injury cases of from one, two, or three years. Mississippi is six years. The very purpose of a statute of limitations is to act as a shield and to prevent surprises occasioned by old and stale claims springing up after the documentary evidence has been lost or destroyed and after the witnesses have moved away, died, or their memories have become hazy. The six-year statute of limitations in Mississippi does not accomplish that purpose with reference to personal injury action. I therefore urge that this association do everything it can to see that the legislature enacts a law so changing the statute of limitations of Mississippi as to reduce the statute with reference to personal injury from six years to one or two years. I thank you. (Applause).

MR. BRUNINI: We will hear from Mr. Bob Ray of Canton. (Applause).

MR. RAY: Mr. President, Mr. Brunini, and gentlemen of the Bar. I am inclined to take the opposite view on this proposal. I do not wish to be antagonistic in any sense of the word, neither do I wish to be radical, but, it seems to me that, in the light of common justice, if a man once has a cause of action, he should not have it snatched away from him by the proposed statute of limitation, whether it be one, two, or three years. Even with the present statute of six years there are cases where the injured party has been deprived of his remedy because of the statute of limitations.

At the beginning of my speech I had firmly made up my mind that I would refrain from using any stereotyped matter as an illustration, but for example, let us take some of these folks that voted for Bilbo. They must leave home from one to three weeks before the day of election in order to get to town in time to vote. If the statute of limitations should be shortened and one of these people should become injured, even if that injury should give rise to a cause of action, they would never get the case into court as they would be barred by the statute of limitations before they could get to town. (Laughter). Gentlemen, I am not in favor of this proposal and I take the stand against it in behalf of the more rural and uneducated populace of our state. The statement that I am about to make seems rather hard to believe upon casual observation, but if you should take time to give it a moment's thought, I am sure that you will concur with me. There are a number of people in Mississippi who have good grounds for a cause of action and yet they are absolutely and totally ignorant of that fact. This action might be a personal injury suit as the result of an automobile wreck. Maybe the injured party refuses to bring suit because he realizes that the owner of the car has nothing. Suppose that several years later it was discovered that the defendant owner of the car carried full insurance on the car at the time of the wreck. Why should the injured party be deprived of his remedy because of a shortened statute of limitations?

There is another angle of this proposal that has been puzzling me to some extent. I can't see why any group of lawyers should wish to sponsor any proposal that might cut out a fee. (Laughter). Gentlemen, before I sit down I want to make one last statement. I don't know how the rest of you feel about the matter, but personally, I would feel plenty bad if I had a clear cut damage suit brought to me and I found that it had been barred by a shortened statute of limitations. (Applause).

MR. BRUNINI: Those are all the ones who have kindly consented to discuss this question. Are there any others?

MR. LEON HENDRICKS: I just want to say this, that this resolution provides that the period be reduced to one or two years. I think we ought to have a definite time. Therefore I move to amend that the period be reduced from six to three years.

MR. B. B. ALLEN: In rising to oppose this resolution I am reminded of a story I recently heard about a Sunday School teacher

who was up before his class of small boys, asking them some elementary questions about the Bible. He called on one boy, he said, "Johnny, who gives you the meat and bread you eat?" He said, "Roosevelt." Quite despairing, he said, "Frank, who gives you the clothes you wear?" He said, "Secretary Wallace." In desperation, he turned to Bobby and asked, "Who gives you the sunlight and air you breathe?" He said "God." The teacher said, "That is right." A little boy sitting by his side said, "Sit down, you dirty little Republican." I trust when I get through with my remarks I'll not be in the attitude of that little boy.

My friends, this resolution that we have before us is one that strikes at the very fundamental rights: it is one that would snatch away the rights of a plaintiff who may not have known those rights for some time. The books are replete with decisions of our courts and other courts dealing with cases filed within or without the six-year statute of limitations. No harm can come to a defendant by letting it remain as it is but immeasurable harm can come and will often come if you limit the right of a man to file and be heard on his claim. If you cut it down from six years to three years—a majority of cases are filed within three months, but there are some circumstances known to every member of this bar, where a man will probably not know or probably something arose which prevented him from asserting those rights.

So I say let it remain so that a man may come into court at any time within six years and assert that right without having made against him a defense, honorable or dishonorable, on the statute of limitations.

I am opposed to the passage of this resolution. (Applause).

MR. BRUNINI: We will hear from Mr. Sam Long.

MR. LONG: I live in a section where they don't send for the doctor until complications set in. I am familiar with procedure of both plaintiff and defendant. I represent as many plaintiffs as I do defendants. Therefore I am hybrid on the question. I do know for the defendants I represent, we get there early, we get the testimony, we write it down and make them swear to it, and we have got it preserved. It does not make any difference to us whether they wait six years. The old boy gets hurt; he is laid up in the hospital; he is just as apt to go home and not see a lawyer, unless some of the more alert ones get to him, (laughter) and, therefore, I realize the danger of the six years, but we generally take care of that. So I think there is lots more danger in the motion to do away with the fundamental right of some litigant than there is in the danger in not opposing the motion.

MR. MARION RILEY: May I ask you a question, Mr. Long? Is this not true, that when a man negligently injures another and he knows he is liable for it, and he makes an effort to pay what he knows he owes honestly, nine times out of ten he would never have to bring a suit?

MR. LONG: Yes, he would never have to see a lawyer, he would never have to pay a lawyer.

MR. JORDAN: There is one phase of this question that has not been touched upon. Since we are voting on this matter I think it should be called to your attention, and without being argumentative about the proposition at all, I am like my friend Sam Long, I represent both sides, but I have in mind a true instance—a case which would better illustrate what I have in mind that anything I might say to you.

It is a case where a man has a just lawsuit; his injury arose from the collision of the automobile being driven by him with a truck, an unlighted truck parked on a paved highway at night. There is no question but what the injured man is entitled to recover; he was very, very painfully, seriously, and permanently injured. He had both arms broken, and one or two legs broken. He has since that time spent nine months in the hospital; he is a cripple for life. —

A VOICE: (interposing) Has he got any money?

MR. JORDAN: That is the very point I am going to bring out. This man has a good lawsuit, he knows it. He is not going to have to wait six years to find that out. He has consulted a lawyer who thinks he has fair ability, but the difficulty is the man who parked the truck on the highway has no insurance. He has some little personal property, but far too little to compensate this man for the injuries he has received, and were suit to be filed now, I am reasonably and morally certain that it would result in the defendant going into bankruptcy.

So there you have a case where a man has a just lawsuit; he knows he has got a just lawsuit, but if you let this prospective defendant alone and give him two good years in this delta country (I don't want all of you lawyers here to move to the Delta—laughter) but if you give him two good years in the Delta he will be rich and we can get somewhere. We will get something that will somewhat compensate this man for his injuries.

I just leave that with you. (Applause).

MR. S. M. GRAHAM: There are places where our dockets are crowded, resulting in delay. The question sometimes is one of venue, and sometimes the cases lay in court until the statute of limitations runs against him. If it is short and that question had been overlooked until the final hearing and it develops that he has gone into a court where he has no venue, and it becomes necessary for him to go elsewhere to get venue, he may find himself barred by this shortened period of the statute of limitations.

In the vast majority of our litigation, suit is going to be brought in less than two years, and it is going to be the exceptional case where the statute of limitations would be involved. In those

exceptional cases I would hate to see a litigant shut out merely by the statute of limitations. We are going to have very few cases in our experience where the statute of limitations is involved. On the question of venue, I know a case in my court where it is going to be lost when it comes to trial for that reason. They have no venue where they are, and when they go out on the question of venue, they are faced with the statute of limitations. (Applause).

MR. F. L. HALL: Being one of the members who places ahead of everything else his loyalty to the bar, his loyalty to the profession and his hopes for the future of the young men of the bar, I am opposed to any proposition that is going to cut down business for the lawyer. (Applause—laughter).

THE PRESIDENT: The question is to reduce the statute of limitations from six years to three years. All in favor of the motion to reduce the statute from six years to three years please let it be known by saying "Aye"; opposed "No". One side votes a little louder than the other. We will have to take a rising vote. All in favor please stand until you are counted. All opposed stand. The vote is 55 for and 77 against. The motion is lost.

MR. BRUNINI: The next proposal is proposal number six. The venue in these personal injury cases is to the county in which the injury happens. That is true in all cases against corporations, but in the individual cases it is not true. Under this proposal the venue of the action is either at the home of the defendant or in the county where the injury was inflicted.

MR. GEORGE BUTLER: How is that?

MR. BRUNINI: The present statute of venue fixes the right of action in the county where the injury was inflicted but not so in cases against individuals. You have got to sue the individual not where the injury happens but in the county of his residence.

MR. ENGLISH LINDSEY, of Gulfport: Gentlemen of the Bar, Mr. Chairman, I am in favor of this proposal, and I will give the reason why I am. Without presuming on your knowledge of the law, I would like to bring in review the high points of our venue statutes. You sue a resident defendant in the county where you might find him, in other words, you have to shoot them on the fly. As to domestic corporation, you sue them in the county in which they are domiciled or in which the cause of action may occur or accrue. As to foreign corporations domiciled in Mississippi or having an agent for service of process, which is the same thing as a domestic corporation, they thereby place themselves in the same category as a domestic corporation. Now, as to public utilities, bus lines, etc., they can be sued in the counties through which their lines run. An insurance company may be sued in the county in which the beneficiary lives or in which the loss is sustained. In the justice of the peace chapter you find this important piece of law—I did not know it was there until a few days ago—you may

sue a resident of the county in any of the justice of the peace districts, provided the debt was contracted or liability incurred in that particular justice of the peace district. That is what might be called the philosophy of the locus in quo, that is, that the venue is placed around the locus in quo, except, as has been noted, as to resident individuals. Why should this discrimination and difference be made? The difference, as I see it, between the criminal trial and the civil trial is merely one in the degree of proof. If it is expedient and advantageous and right to try a man for crime in the county in which the crime was committed, so that the witnesses may be available, why should not that same reason apply as far as civil actions are concerned? Therefore, I think it would be wise to have this proposal enacted, but the main reason why I am in favor of this proposal is that under our non-resident motor vehicle act we can sue a non-resident by service upon the secretary of state. That is well and good; if it is a corporation or foreign corporation, well and good; but if the non-resident automobilist happens to be an individual, it appears to me from a study of the question, that you have to sue him in Hinds County. Therefore it is my opinion that there is a very palpable legislative omission in that particular act.

The state of New York has a prototype of this particular law; it is almost like our law—I would not be surprised if one was not copied from the other. A case came up for consideration with this state of facts: the accident occurred in New York City; the secretary of state was served in Albany. A motion was made in New York to quash the service of process as void. The court held in that case that it was void and did quash the service of process and said this: "This court will not indulge in a fiction as to location or place, and by no stretch of the imagination could Albany, New York, be brought within the territorial confines of the city of New York." The opinion further stated that it was a matter of no moment that a state officer was involved in the service of process. So, I say if this has not been passed upon by our Supreme Court, it has been passed upon by the State of New York Supreme Court, and they held that unless the statute contains a venue clause providing that you can sue a non-resident individual in the county in which the cause of action occurred, then you have got to go to your capital county to bring suit under that particular statute.

We cannot use too much time in the consideration of this important proposal. (Applause).

MR. GUY MITCHELL, Jr., of Tupelo: Mr. President, Mr. Brunini, Members of the Bar. Mr. Jackson a moment ago said he wanted to express the appreciation of the younger members of the Bar. I want to express the appreciation of the real, sure-enough young members of the Bar. I am probably one of the youngest members, having been out of school only a few months, and I really appreciate the opportunity to speak before this body, and I really believe that older men have found that if they really want illumi-

nation on any subject, just call on the younger members of the Bar. (Laughter).

I believe I am limited to three minutes, but since I have been offering to practice for about one year, my inexperience in procedural matters is a much stronger limit than the time-limit.

There was a bill introduced in the legislature which sought to do just what this proposal seeks, that is, change the venue statute and allow the plaintiff to select the venue of the county in which the injury occurred.

I wish to oppose the proposal here; as a member of the legislature I opposed the bill that was introduced there.

In studying the question I found to my surprise that the common law rule allowed the plaintiff to select his venue, as either the residence of the plaintiff or the defendant. That is the rule of the common law which has not been followed in American procedure except in a few instances. There are several states—and I was surprised to find among them Massachusetts and New York—often cited decisions of those states; both have statutes embodying the proposal here. However, a vast majority of states follow the rule Mississippi has adopted; and we find in our present statute, and a good many states, have gone further and have embodied the right of the defendant to be sued in his home county or to remove the action to his home county—in the constitution—I believe Georgia is an example—and while Mississippi has not embodied it in the constitution, it is considered an important right.

In a recent case of *Trolie v. Nichols*, Judge Anderson, speaking for our court, said it was a right, an invaluable right, and not a mere technicality to be disregarded.

It seems to me fundamentally it would shift the entire burden. It is argued in the Law Journal that when a man comes to Washington county and commits a crime, he is tried here; and if he comes here and runs into somebody, he ought to be sued here. However, there is a great distinction between the criminal case and the civil suit, and the criminal cause of action being against the county, you could not expect the law-enforcing officers of one county to enforce the laws in another. We now are enforcing our laws subject to personal rights, and these rights control in a civil action, and therefore I say to allow the plaintiff to select the venue and bring the defendant out of the county of his domicile into some other county, would shift the burden. The burden is on the plaintiff when he brings a lawsuit—is supposed to be—and if you shift the defendant from his home county, say from Washington to Harrison and proceed with it there, you have taken the burden off of the plaintiff and put it on the defendant, placing the defendant at a disadvantage and destroying one of the fundamental rights of the citizen.

I say in order to protect the defendant's rights—of course, sometimes it may work to the disadvantage of the plaintiff—he

should not be compelled to remove to some other county. Lots of times a man who was in another county might have a slight automobile wreck and probably some injury. Rather than go there and defend the lawsuit, he would prefer to settle, put up his money, simply to forego the trouble and expense and time of going into another county to defend the lawsuit.

So I am with the majority side, to keep it as it now is and not vote this proposal. (Applause).

MR. BRUNINI: We will hear from Mr. Porter Peteet of Greenwood.

MR. PETEET: Mr. President, Mr. Brunini, Ladies and Gentlemen. It seems to me that in order to clear up just exactly what this proposal is, it might be wise to cite the example of a hypothetical case given in connection with this proposal number six. That case is this: Suppose Brown, a resident of Corinth, was driving in Gulfport and negligently ran over and injured Smith who is a resident of Harrison county. It goes on to say that under the present law Smith is compelled to sue Brown in Corinth, entailing quite a bit of trouble and expense to get himself and his witnesses up to Corinth to try the suit. Now, of course, it does place a burden on the plaintiff under the present law. As a matter of practice and general rule the defendant will remove his cause of action to his home county. That is a right given him under our statute as far as individuals are concerned; he usually takes advantage of that. But that places the burden on the plaintiff. It is quite a bit of trouble and expense for him to convey his witnesses up there, but on the other hand, if we enact this proposal it would be to place the burden on the defendant, and it seems to me that we are going to come down to the choice of whether we want to place the burden on the plaintiff or the defendant.

If we could assume in that case that the plaintiff was entitled to recover, and defendant had negligently run Smith down, we could go ahead and advocate this proposal without any doubt at all, because the plaintiff being entitled to recover, we want to do everything to facilitate a recovery for him, but as some of us represent both plaintiff and defendant as clients, we are aware of the fact that sometimes the jury finds that the plaintiff is not entitled to recover—no fault on the part of defendant, and in such case the reason for the proposal that we have before us disappears. The defendant has placed on him the burden of conveying his witnesses down to Harrison county, the plaintiff is not entitled to recover, and the burden put upon the defendant.

Take for instance, suppose in this case cited, suppose Brown never had been down in Harrison county at all, never had seen the blue waters of the gulf, but because of some mistaken identity, Smith thinks he has action against Brown, and he brings his suit against Brown in Harrison county. He places a pretty heavy burden on Brown to bring his witnesses all the way from Corinth, to

prove that he was in Tennessee when the accident happened and was not even in Gulfport when Smith was injured.

On the other hand, there are some defendants who are at fault, and in those matters we want to expedite matters for the plaintiff. We recognize the fact that there are some cases where the plaintiff should be aided, cases where the plaintiff is entitled to recover, and other cases where the defendant should not be burdened with this duty of going to some foreign county to get himself sued. We are faced with the choice of which one to place the burden on.

There are some factors in considering this matter that would cause us to advocate this proposal, but what we want to do is to leave the law as it is, where the defendant can change the venue to the county of his residence.

Two of the factors have already been mentioned by Mr. Mitchell. To go over those again, one of the basic concepts of our law is that a man is innocent until he is proved guilty. If we are going to assume that the plaintiff is entitled to recover, we are going to have to assume that the defendant is guilty, and for that reason he is going to be put to the burden of going to a foreign county to support his innocence, to try to keep from being found guilty.

Then, in the second instance, the reason we should not advocate this proposal is this: we have pauper plaintiffs but you never find a pauper defendant. This was indicated a moment ago, and there action is delayed; the defendant is a pauper, and the action is not brought—there is no need for it if under our present law plaintiff can go to some foreign county to sue and recover some of his cost because the defendant is not judgment proof. But if we are going to place this burden on the defendant to go down to Harrison county to prove his innocence, then if Smith in this case is a pauper-plaintiff, our defendant would not be able to recover any of his cost at all. He would be faced there with pauper-affidavit and no means of recovering the expense he had in going down to defend the suit.

Mr. Mitchell also mentioned the matter of prejudice. Some sections of the state are prejudiced against other sections of the state. If we enact proposal six, we would be placing a man at the mercy of these prejudices. I believe on account of those prejudices of different sections of the state against other sections of the state, that if Smith, the plaintiff, brought his action against Brown, the defendant, in the other section of the state, regardless of the facts, the jury is going to find for the plaintiff—all they want to know is the defendant is from a certain section of the state, and he probably has some money. In view of all those things, it seems to me we should not advocate the proposal. If you want to help out the plaintiff, you will have to make this a little broader than you have it, because the plaintiff has to sue either in the county where the injury occurred, or in the domicile of the defendant.

Suppose Smith in this case is injured in Gulfport and Smith is a resident of Corinth, he then has to come down to Corinth to

sue Brown, and we are placing on him the same burden that we are trying to get away from, and for this reason I say we should not favor this proposal, and if we do we should make it broader than it is. (Applause).

MR. BRUNINI: We will hear from Mr. Lotterhos of Jackson.

MR. LOTTERHOS: I am going to say only about two words; I know we are running 'way late. I am not prepared to say that we should, right now, recommend that this statute be changed, but I do say this venue statute presents a very interesting study for our legislative committees, with the possibility of a proposed change later on.

Our statute at present provides that the venue of these actions shall be either where the cause of action accrued or the defendant's county. However, the defendant has the right to remove the case if it is not filed in his county. I call your attention to the fact that in a great number of cases the defendant does not now have the right to exercise that prerogative because other defendants are joined. The defendant may be a corporation, or another defendant joined may be a resident so it cannot be removed.

Here is my proposition: Under the present statute, assuming that there is only one defendant, he, as an individual, resident citizen, has a right to remove the case to his own county. Naturally, the defendant, just as the plaintiff, would prefer to try the case in his own county for his own personal reasons, because he lives there and he hopes for better treatment from his own jury-men.

Now, under the proposed change here, we do not place the venue of the action for the particular convenience of the defendant or the plaintiff, which is not true now. If the statute should be amended as suggested, the venue in a tort case would be where the action accrued. Now, that is not in favor of the plaintiff or in favor of the defendant, but it is the logical place to try the case. There are probably a great number of witnesses—police officers, by-standers, etc.—and it would be very expensive, as well as difficult from a practical standpoint, to all parties to get those witnesses to a distant county, so I say it is better to try the case right there where they are and give no advantage to either party. The defendant, having come into that county, has automatically subjected himself to the venue there, whether he came on business or on pleasure, and he should have no objection to answering for any claim against him in the place where he has voluntarily gone. (Applause).

VOICE: Question.

THE PRESIDENT: All in favor of the adoption of the resolution will let it be known by saying "Aye"; opposed "No"; the No's have it and it is lost.

The next order of business we have on the program is a resolution in regard to the junior bar. I want to express my very great pleasure at the number of young men who have taken part on our program today. Major Calvin Wells will present the resolution.

MAJ. WELLS: I share with you in your disappointment at not having this resolution presented by that nestor of the bar, the Honorable Marcellus Green. In his absence I will read the resolution, and then the time taken up for discussion will be consumed by the younger members of the Bar.

Be it resolved by the Mississippi State Bar in regular convention assembled at Greenville, Mississippi on this the 4th day of September, 1936:

That, in order to furnish a forum for the younger lawyer, encourage and foster discussion, the interchange of ideas, and constructive action for the preservation and advancement of the ethics, prestige, and integrity of the Bar among the younger lawyers and to establish a special means whereby the younger lawyers may be induced to interest themselves to a greater extent in the activities of the Mississippi State Bar and more materially assist in the accomplishment of its purposes and functions, there is hereby created a standing committee of the Mississippi State Bar to be known as the JUNIOR BAR SECTION of the Mississippi State Bar.

Section 1. The governing body of this Section shall be an Executive Committee composed of eleven members. Two of these members shall be the Chairman and Vice-Chairman who shall be elected by the Section as a whole. The remaining nine members shall be elected from the three Supreme Court districts, with three members from each district, these members to be elected in the same manner as the Bar Commissioners.

Section 2. All members of the Mississippi State Bar who are under thirty-six years of age shall be members of the Section but this shall not be construed as to remove or separate them in any way from their connection with the State Bar.

Section 3. Members of the Executive Committee shall serve for a term of one year or until their successors shall have been chosen, the first term to commence from this date.

Section 4. The Executive Committee may, in any manner it shall direct, provide for the filling of all vacancies for un-expired terms.

Section 5. The Secretary-Treasurer of the Mississippi State Bar shall serve as Secretary-Treasurer of the Section and shall do and perform all things for said Section just as for the State Bar and shall attend such sessions of the Executive Committee unless instructed to the contrary by the Chairman.

Section 6. The Executive Committee shall hold, at least, one meeting each year at a time to be fixed by the Chairman and to be

held at the State Capitol not later than 45 days prior to the next annual convention of the State Bar. The Chairman, and in his absence or disability, the Vice-Chairman, or any five members of the Committee, may, on not less than 10 days written notice to all members, call special meetings of the Committee to be held at such time and place as may be directed in the notice.

Section 7. The Executive Committee shall have the authority and power:

a. To inquire into, report on and make recommendations concerning the same any and all matters and things it may deem pertinent to and helpful in the carrying out of the purposes of this Section.

b. To do and perform all acts and things necessary and proper to carry out the purposes for which it is created.

c. To exercise such additional powers and functions as may from time to time be delegated to it by the State Bar and by the Commissioners.

d. To appoint sub-committees for the purposes of carrying out its functions and duties from among the membership of this Section and to delegate to such sub-committees all such power and authority as the Executive Committee shall think proper.

Section 8. The expenses of the Section shall be born by the State Bar to the same extent and in the same manner as are the expenses of the Commissioners.

Section 9. The Executive Committee shall report in writing annually, beginning with the 1937 annual convention, to the Mississippi State Bar covering all of the activities of the Executive Committee for the preceding year and shall embody therein such recommendations as it shall see fit. The Committee shall also report and make recommendations to the Commissioners as, and when the same may be requested. (Applause).

We have had this morning one of the most interesting discussions I have heard since I have been in attendance at these bar meetings, and I have been attending since the memory of man runneth not to the contrary. I think it very important that recognition be given to these young members of the Mississippi State Bar. They hesitate to arise until they are specially requested so to do, by a modesty which we may commend, and while we do not wish to prevent them from working in the regular channels of the Bar, this gives a forum to them of their own, for them to work with us and help us.

I sincerely trust that this resolution will be adopted. Mr. Chairman, I move the adoption of the resolution, and I hope that you will request a hearing from these young gentlemen on the subject. (Applause).

VOICE: Second the motion.

MR. HUGH N. CLAYTON: I think everybody wants it, but if any one is adverse, I would like to be heard.

MR. GEORGE BUTLER: I don't want to be in the attitude of objecting to this resolution, but I want to sound a note of warning. I am apprehensive that if we set up this junior bar section, we are going to divide the Mississippi Bar Association—we are going to have two bar associations. The only difference between me and the rest of you is, I think we ought to take this association and turn it over to these boys and let them run it just exactly as it was done this morning. If we set up this junior section and they function, I am going to be there and not sitting around here with the old fossils. I say let's turn the association over to the boys and let them run it! (Applause).

VOICE: Vote.

MR. CLAYTON: May I just make this statement? The By-Laws do not mention it, and it is not contemplated that this junior section would operate independently or be opposed to the State Bar in any way. No meetings would be held at the same time the State Bar was in session, but we hope to have our meeting the afternoon or the evening before the regular bar convenes. It would be a forum for the young lawyers. We understand that all of the lawyers who took part in yesterday's discussions were men of fifty years of age and over, except probably Brother Long, some say he is getting close to forty!

We are not going to work against the State Bar; we would participate in your sessions just the same; we would be here just as we are today. We could meet on the night preceding or the afternoon preceding the sessions. It will not conflict in any way whatsoever. Everybody knows that we have a hesitancy in opposing Mr. Butler, Major Wells, Mr. Riley. We will work with you, and you can get some benefit from us, and we will get some benefits from you, and if you will give it to us, we will appreciate it.

MR. MARION RILEY: Mr. President, this proposition is fraught with peril, in my judgment. We need the young members of this Bar to vote on every question that comes before this Bar. Am I correct, Mr. President, when I say that if this proposition goes through, they will not be present at the meetings and will not be here to participate in these sessions to vote on the problems as they are presented?

THE PRESIDENT: I do not so understand.

MR. CLAYTON: No, we will be here at the same time you are here.

MR. RILEY: Will you gentlemen be in these meetings and vote in these meetings just the same?

MR. CLAYTON: The only time there would be a separate meeting—we would meet, if we are allowed to organize, at a time when you were not in session; and we will participate in this body. By virtue of the statute, we are members of the Bar. We would meet, say, the Wednesday night before the State Bar convention on Thursday, and there could not be any conflict, so far as the meeting is concerned, and we will be here just as much as we have been here this morning.

MR. RILEY: Here is a question: will you be here in these meetings and vote your individual conviction, *your* conclusion?—that's what I want to understand.

MR. CLAYTON: Yes. When we determine we want to work for any one individual proposition, we hesitate to bring it up because we know you are older men and have had more experience and you have better judgment about these matters, possibly (laughter), and therefore, I think you would have the benefit of the view of the younger lawyers, and we would have the benefit of your riper experience, and we could bring a proposition to you and have a larger voice in these meetings and a more active part, just as we have had this morning. I want to call your attention to the fact, as Mr. Forrest Jackson stood up and thanked Mr. Brunini for the privilege of being up here—and that is the proposition—not to oppose you, Mr. Riley. We have a hesitancy to get up here and cross swords with gentlemen of your ability and experience. There will be no factions, but we will participate more and more.

This system has worked in several states. In the state of Florida it has increased the interest very much in the State Bar itself by the activity of the young lawyers.

I believe it would have a salutary effect, and should be passed.

MR. RILEY: Here is the only point I make: If the young members of the Bar come to these meetings, vote their individual convictions, as they have in the past, I am for it. If there is an attempt made to segregate the young men so that they will not participate in these meetings, what is going to be the result? The majority of those who do attend would take one school of thought and follow one star. I want to keep in this organization the younger men, but if you have your separate organization, factions may develop, and that is the question that is bothering me. When proposals of legislation come up, I want you young men to be here to vote on them, as well as the others. That is my position.

VOICE: Vote, vote.

MR. JOHN C. SATTERFIELD: This plan as suggested, may I say to Mr. Riley, if Mr. Clayton will permit, is simply a committee of the Mississippi State Bar. We will attend every meeting at which matters, such as have been present here today, are considered.

VOICE: Won't it take an act of the legislature to organize a junior bar?

MR. SATTERFIELD: No. The act provides for committees of the State Bar; and this is simply a committee of the Mississippi State Bar, and therefore, is in accordance with the authority specified by the act.

MR. BUTLER: Is it not a junior, separate organization?

MR. SATTERFIELD: No, there will be no separate organization. There will be a fee of \$5.00 paid to the Mississippi State Bar as provided by the statute; there will be no separate secretary-treasurer; there will be no separate meetings except where they do not conflict with the Mississippi State Bar.

VOICE: You do not think it would require an amendment to the statute?

MR. SATTERFIELD: No.

MR. W. L. GUICE: Will the Junior Bar Section act as a caucus and its action be binding?

MR. SATTERFIELD: No, we have no such intention. We come to these meetings of the association with the older members; we do not take an active part unless requested. We believe that this will be the means of allowing the younger members to foster original ideas, bring their original ideas to these meetings; they will sit as individual members of the Mississippi State Bar.

VOICE: Does the resolution not provide for the creation of a junior bar and not a committee?

MR. SATTERFIELD: No, there will be a committee of the Mississippi State Bar known as the Junior Bar Section. I believe a rose by any other name would be just as sweet. It is simply a committee of this Bar.

VOICE: Is it the creation of a junior bar?

MR. SATTERFIELD: It is a junior committee of this bar.

MR. JORDAN: I would like to get into that junior section.

THE PRESIDENT: I would like to be in the junior section, too.

VOICE: I would like to see the age-limit moved up.

VOICE: Here is a question: Take this morning, some motion carries 62 to 57; if we had a junior bar section, you come here and take up some proposition and you vote 62 to 57 for the proposition. What is going to become of that 57?

THE PRESIDENT: Questions will be decided by majority vote.

VOICE: Will the junior bar vote as one?

VOICES: No, no, no.

MR. SATTERFIELD: No. The question has been asked whether or not there will be an attempt to bind the young men by the action of the majority. There is no such idea. If there are 57 members of the committee who oppose some proposal, they are presumed to vote on the motion on this floor; they are supposed to vote their individual conviction.

MR. LOUIS HALLAM: I do trust there will be no division in this bar, but in order that there can be no division in this bar, in order that there may not be two bars, two bar associations, I suggest that the resolution be amended as to provide that any action taken by the junior bar section shall be submitted to and approved by the State Bar before becoming effective as the act of this state bar.

MAJOR WELLS: It is already in there.

THE PRESIDENT: The question is that there shall be created this junior bar section. All in favor of the resolution please let it be known by saying "Aye"; opposed "No". The Ayes seem to have it; the ayes have it, and it is so ordered.

In order to get you boys started off, I take it that they would probably like to nominate their chairman and vice-chairman. We will not go into the election of officers, but you may nominate your chairman and vice-chairman.

VOICE: I don't think we ought to go into it in here.

MR. HARVEY LEE MORRISON: I nominate Mr. Hugh N. Clayton as chairman.

MR. SATTERFIELD: I second the motion.

VOICE: I move that the nominations be closed. (Seconded).

THE PRESIDENT: You have heard the nomination of Mr. Clayton and that the nominations be closed. All in favor of Mr. Clayton for Chairman will say "Aye"; opposed "No". You have no other nominations, and I now declare Mr. Clayton your chairman of the Junior Bar Section. (Applause).

Whom will you have for your Vice-Chairman?

MR. GIPSON, of Meridian: I nominate Mr. Jesse H. Graham, of Meridian.

VOICE: Second the motion.

VOICE: I nominate Mr. J. N. Ogden, of Magnolia.

VOICE: I may be mistaken about the proposition, but it was not my understanding that a man over thirty-five would have a voice in the selection of the officers of the junior bar.

THE PRESIDENT: We just want to give you a start-off.

MR. ANDERSON: The Junior organization has been created by the younger members; they ought to have their officers among their own crowd. I am too old to get in that section, and it is my idea that they ought to select their own officers.

MR. CLAYTON: The resolution provides for the age, and if any of you brothers over 36 have voted, you did it as *amicus curiae*, because you have no right to participate in that section. Mr. Anderson, the election is for those who belong to the Section. Are there any other nominations for Vice-Chairman?

VOICE: I nominate Wm. A. Bacon.

VOICE: I move that the nominations be closed.

VOICE: Second.

MR. CLAYTON: All of those under 36 will be entitled to vote. We will vote in the reverse order of their nomination. All those in favor of the election of Mr. Bacon as vice-chairman will please rise. There are fifteen.

All in favor of Mr. Ogden will rise. Thirteen.

All in favor of Mr. Graham will rise. Fifteen.

That puts it between Mr. Bacon and Mr. Graham.

All those in favor of the election of Mr. Graham will rise. There are twenty-three.

All in favor of the election of Mr. Bacon as your vice-chairman will rise. The result is twenty-one.

Mr. Graham is elected as your Vice-Chairman. (Applause).

PRESIDENT EVERETT: We will now have the report of the Law Journal Committee.

MR. R. G. GRANTHAM: In the absence of Mr. Bramlette, I would like to read this report to the Bar—the financial report of the Mississippi Law Journal from September 1, 1935, to September 1, 1936 (reading)

RECEIPTS

Balance September 1, 1935.....	\$ 300.40
Appropriation of Mississippi State Bar Association.....	1,500.00
Sale of back number, subscriptions, and books.....	252.70
Cash advertising.....	116.40
Total receipts	<u>\$2,169.50</u>

EXPENDITURES

Dues to Association of Law Journal Editors.....	\$ 5.00
Postal permits	10.00
Post office box rent.....	3.00

Printing and mailing Journals at Jackson, Tenn.....	1,821.99
Banking expenses	2.96
Office expenses (postage, stationery, etc.).....	72.37
Expenses of editor in attending Bar Convention.....	15.00
Books, pamphlets, etc. purchased.....	50.60
Total expenditures	<u>\$1,980.92</u>
Balance September 1, 1936.....	<u>\$ 188.58</u>

R. G. GRANTHAM,
Business Manager, Vol. VIII.

HUGH N. CLAYTON,
Acting Chairman, Law Journal Committee.

In the absence of Mr. Bramlette, it is signed by Mr. Clayton.

I would like to call your attention to this phase of the financial report. Last year we had on hand at the end of the year \$300.40. This year we have on hand only \$188.58, showing that this year we had to go into our surplus in order to meet the expense of printing the Law Journal. For that reason the staff of the Law Journal is coming before the Bar asking for the same appropriation that you gave us last year, that is, \$1,500.

I would like to announce a change in the printing of the Law Journal. Last year we had quite a bit of talk on the floor of the convention as to why the Law Journal was not printed in Mississippi. I would like to announce to the members of the Bar that we have secured a Meridian firm to do our printing for this year at approximately the same price we had it done in Jackson, Tennessee. The change of our postal payments will increase the charge slightly, but I think we can save in other ways and take care of this deficit, and, therefore, I am asking the Bar, on behalf of the staff of the Law Journal, to make the same appropriation of \$1,500 as it was last year.

MAJ. WELLS: I move that an appropriation of \$1,500 be made.

VOICE: Second the motion.

THE PRESIDENT: All in favor of the motion will say "Aye", opposed "No". The motion is carried.

The next item is the report of the Budget or Finance Committee, Mr. Crawley.

MR. DAVID E. CRAWLEY: Mr. President and members of the State Bar, I have a very brief report as chairman of the budget committee to submit to you for your consideration. It only deals with dollars and cents, and that is a matter that is usually very near and dear to the hearts of the lawyers.

The suggested budget—but before I go on I want to say this: there have been 478 receipts issued so far to the 1300 lawyers in the state of Mississippi, against 427 as of this date last year.

Now, then, the suggested budget is as follows:

SUGGESTED BUDGET

Office Expense	\$ 800.00
Secretary's Salary	1,500.00
Commissioner's Expense	750.00
Annual Meeting	300.00
Law Journal	1,500.00
Committee Expenses	200.00
Disbarment Expenses	500.00
	\$5,550.00

A large amount of that is mere appropriation. By the way, there is one matter of interest I want to show you in this audit: there are one, two, three, four pages, double line tabulation, columns, single space, of lawyers in the state of Mississippi who are delinquent in the payment of their dues. That presents one of the greatest problems that confronts this Bar Association. What are you going to do with these members who are licensed to practice law and who are practicing in defiance of the statute. There you are; four pages.

Now, then, I want to tell you what became of the money we spent this last year (reading):

FINANCIAL STATEMENT MISSISSIPPI STATE BAR

September 1, 1936

RECEIPTS

Balance on hand May 30, 1936	\$2,841.28
Collected since May 30, 1936	2,390.00

DISBURSEMENTS

	\$5,231.28
Office Expense	\$ 336.81
Secretary's Salary	375.00
Commissioner's Expense	164.16
Annual Meeting	48.49
Complaint Cases	103.49
Miscellaneous—Office	103.20
Returned checks	110.00
	\$1,241.15

Balance on hand September 1, 1936	\$3,990.13
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478 Receipts have been issued for 1936-37. (427 same date last year).

Secretary-Treasurer.

Now, Mr. President, I move the adoption of the suggested budget by the Bar Association.

VOICE: I second the motion.

THE PRESIDENT: You have heard the motion. All in favor will say "Aye"; opposed "No". The ayes have it and it is so ordered.

MR. CRAWLEY: Mr. President, I move the adoption of this report of this audit, that it be accepted.

VOICE: Second.

THE PRESIDENT: All in favor of the adoption of the report will say "Aye"; opposed "No". The report is adopted.

MR. CRAWLEY: Mr. President, may I say one word?

THE PRESIDENT: Yes.

MR. CRAWLEY: Gentlemen of the Bar, I just want to say one word: The Bar Commission, in order to determine whether or not we have the legal right to enforce the statute under which we are operating, have authorized the institution of disbarment proceedings against one certain lawyer in the state of Mississippi who has defied this law since its enactment in 1932, and we hope, through the splendid cooperation of those loyal members of our honorable profession, to determine whether or not this Bar Association shall continue to exist, shall survive, or will die of its own failure and its own negligence to enforce and abide by the law under which we are now operating. (Applause).

THE PRESIDENT: I am advised that there is a resolution to be offered to change our time of meeting.

MR. B. B. ALLEN: At the request of several lawyers and on my own wish I have prepared and present to you this resolution:

"Be it resolved by the Mississippi State Bar in convention assembled at Greenville, Mississippi, on September 4, 1936, that hereafter our annual conventions shall be held about the middle of June of each year, the exact date thereof to be announced by the President of this Association."

The reason for leaving it open is that we do not want to go to the expense of convening the Bar Commission to pass upon this. Precedence will doubtless defer to the wishes of the Convention city. The middle of June is usually just before our hot season, and if it were set for the first of June, the Supreme Court is still in session. Therefore, we feel more like taking a vacation. We cannot fix it at any time of the year when there is not some court in session, but about the middle of June, it seems to me, would be better time of the year, and we would get away from the fall of the year when the courts are in session, when the Supreme Court is about to convene. I think the middle of June is the proper time, and I therefore move the adoption of the resolution.

MR. LEON HENDRICKS: How can we change the time of holding the convention by resolution? Does the act itself not fix the time for the first Thursday after the 31st of August? Wouldn't you have to change the statute?

MR. ADAMS: The recommendation would contemplate the change of statute?

ANSWER: Yes.

MR. ELLIS: What about the month of April?

MR. KELLY: I move to make it in the month of April.

THE PRESIDENT: By-Law 5 provides for the annual meeting of the State Bar: "The annual meeting of the State Bar shall be held at the place selected at the preceding meeting, on the first Thursday after the 31st day of August of each year." I was under the impression that the statute fixed it.

MR. VENABLE: I don't think the statute fixes it; it is fixed by the By-Laws.

MR. BUTLER: How do you amend a by-law?

THE PRESIDENT: I take it the By-Laws can be amended by resolution.

MR. KELLY: Mr. President, I suggest an amendment that the meeting be held the middle of April instead of the middle of June.

MR. PRESIDENT: Is there a second to the motion to adopt the Resolution?

VOICE: Second the motion.

THE PRESIDENT: All in favor of the motion to adopt the resolution to change the time of meeting to the middle of April—

MR. BUTLER: I would like to suggest that the Federal Court is in session in April, and the Supreme Court is in session in April.

MR. GIPSON: All right, let's make it May, but then the colleges are in session, and we want these young fellows who have just come out of college.

THE PRESIDENT: I think the middle of April would be a very inopportune time. Let's see, the only two months that have had a second are April and June. Let's take an informal vote on it. All who would rather meet the middle of June, stand up. All who prefer the middle of April stand up. The middle of June got it. Let's vote on the resolution.

MR. KELLY: I withdraw my amendment.

THE PRESIDENT: All in favor of fixing the time of meeting to the middle of June let it be known by saying "Aye"; opposed "No". The ayes have it and it is so ordered.

Now, my friends, that brings us to the election of officers. The first officer to be elected would be the president of your bar association. I will now entertain nominations for that office.

MR. VENABLE: There are a good many members who desire to get away on the train which leaves at 2:30; for that reason we did not adjourn for lunch. With the idea of promoting the same object, I wish to make the motion that all nominations and speeches and seconding of nominations and speeches of invitation for the next meeting place be limited to five minutes.

VOICE: Second the motion.

THE PRESIDENT: All in favor of the motion will say "Aye"; opposed "No". The motion is carried, and it is so ordered.

MR. G. GARLAND LYELL: Mr. President, in the fall of 1906 I had the pleasure of holding the first court in the court house at Prentiss in the newly created county of Jefferson Davis. I had known by reputation several years prior to that time, September, 1906, but met for the first time at that court, a distinguished member of this association whom it is my great pleasure to nominate for the important office of president. At that time this member of the bar showed in himself those qualities of mind and spirit which assured those who knew him and wished him well, that his career at the bar would be a most eminent and useful one in every respect.

Such is the gentleman whom I take pleasure in nominating for President of this Association.

He has attended twenty-eight annual meetings of this association during his membership in the Mississippi Bar; he has missed very, very few meetings of the American Bar Association. In every way, from the humblest task to the most important he has functioned efficiently and well. His conduct professionally and personally has ever been the best that one could wish him to exemplify, the right type of Mississippi lawyer. This gentleman as a member of the bar measures up to the highest standards. He has been faithful over many things; he has been faithful first over a few; and I say advisedly, with love in my heart for the junior members coming along, one of whom is a member of my family, who will join the ranks in September and desiring that they may have the inspiration of such an example—I do not know any member of the Mississippi Bar that I think is any more entitled to be elevated to the office of President than the gentleman whom I shall nominate.

He has never failed to function efficiently in any duty that has been imposed upon him, and he has the interest of the association always at heart. He is a lawyer of the highest ethical standing, enjoys a splendid practice. He has endeared himself to the people of the community in which he lives, and all the bar, and I think we will be honoring ourselves in elevating this splendid member to the

office of President. It, therefore, gives me great pleasure as a friend of this distinguished member of the Mississippi Bar, to nominate Hon. Walter S. Welch of the Laurel bar, as president of this association. (Applause).

MR. W. W. WILBOURN of Meridian: It gives me great pleasure to second the nomination of Mr. Welch for president of this bar, and to endorse every word of our distinguished friend in his behalf, by virtue of his character, his ability, the contribution that he has made to the ideals and standards of our profession, and his services to this association.

MR. VENABLE: It is not usual to have a second to a speech. seconding a nomination, but I wish to join in seconding the nomination of Mr. Welch. He has the capacity and the ability to render great service to the people of the state of Mississippi. To the lawyer is committed the operation of the judicial department of the government, one of the three great departments. The kind of justice meted out depends upon the bar and always will, and is a trust committed to the members of the bar; it is a continuing conception and never ending trust.

The continuation of that work is the work of this organization, if it be true to the best. The power and the dynamics of that work in our organization, as I see it, lie with the president and the board of commissioners. They are the ones who must take the initiative; they are the ones who must provide the grist for the mill to grind; they are the ones upon whose shoulders primarily lies the greater responsibility. So the presidency of this association places on the board of commissioners a great responsibility, not only to the lawyers of the state, but to the people likewise. The only assurance that we have as members of this organization that that work will be carried on is in the character and qualifications of the men who fill those offices, and the best security that we can have for their interest in that work is the evidence which has been furnished by them in the past as to their interest in it.

Mr. Welch, through all these years, has been faithful in the work of the Mississippi Bar. I have had some matters up with him under rather unpleasant circumstances where we were performing some rather unpleasant duties, personally and professionally; and he was faithful throughout that whole period. I found him ever faithful, ever anxious to carry his full part of the load, and assume his full part of the responsibility.

I believe in his election next year we will have the assurance, so far as the president is concerned, that the work of the association will go forward. (Applause).

MR. LOUIS HALLAM: I move that the nominations be closed.

MR. FARISH: Gentlemen of the Mississippi State Bar, I would like to say for and on behalf of the young people's com-

mittee, I have been representing clients on the other side of the case. I have never known of a man, a lawyer at the bar, a minister of the gospel or any man in any relation who showed the courtesy and fair-dealing that Mr. Welch showed to the young men of this bar. I want to say that Mr. Welch is the type of man who you can rest assured will deal with you at arm's length. He is the type of man who will never take advantage of the young lawyer who is not experienced in the tactics of the court or procedure. The younger men will not have cause to regret if they vote for the man who always has had his standing at the bar, who is above reproach. If he votes for the man who has never been questioned, he will vote for Mr. Welch.

May I say that this is the first time I have ever opened my mouth in a meeting of the Mississippi State Bar; this is the first time I have ever had the courage and conviction to speak, but I do say that I do not have any hesitancy or any fear of making a mistake in commending to the gentlemen of this Bar Mr. W. S. Welch as president. I thank you. (Applause).

MR. RILEY: Mr. President, I rise to nominate for president of this association a man who is known to every member of the Mississippi bar. I became acquainted with this man when he was young; I saw him at the University of Mississippi as a student; I saw him there where the poor boy went to him as a friend for guidance and for assistance. I saw him where the more fortunate boy admired in him those sterling qualities that appeal to the best that is in men. I have known him intimately since he is a man who has had a varied practice—his practice has not been limited to the cause of the plaintiff nor has it been limited to the cause of the defendant; his practice has not been limited to those litigants who are powerful and able to employ the best talent, though he has represented many of them; but his practice has been general. He has represented the most powerful litigant who comes into court. For a long time he was district-attorney in the district in which he lives. The man I shall nominate understands the need of law, understands why men should stay on the mountain if they are to be guided by that star; he understands that when the traveler would enjoy the beauties of earth he must cross to the mountain that rises gigantic and grand between him and his objective; that he cannot ascend if his courage is found wanting and unless he fixes his gaze toward the mountain.

The man I shall nominate, as district-attorney, became acquainted with the unfortunate of the earth, the broken vessel; he understands the problems and all of them with which a lawyer has to deal. He is one of the best trial lawyers in Mississippi; he is too big to be otherwise, yet he is as tender as a woman in his dealings with his fellow-lawyers. I have known him intimately, and I place in nomination a man who has been faithful to this organization. He has been bar commissioner and I have been bar commissioner; there has never been a problem before the bar commission

that he has not faced it with courage and conviction, that you do not hear from him upon it; he has no apologies for his position. I have dealt with him, I have been with him. I have known the advantage of his counsel and advice; he has given of his all to this association, he has given of his labor to this association. If you elect him president, he will understand all the problems that we have to deal with. He will be an honor to this organization, and it is a pleasure to endorse Hon. Dave Crawley of Kosciusko to the members of this association.

MR. ROSS BARNETT: Mr. President, Ladies and Gentlemen of the Mississippi State Bar: I am glad to second the nomination of Mr. David E. Crawley for the presidency of the Mississippi State Bar. I have known Dave Crawley all of my life. When I was a little boy just large enough to climb up the steps of the courthouse, I never hesitated to go and hear him plead a case, although I was an infant and he was a seasoned lawyer at that time. My friends, Dave Crawley has served as district-attorney in his judicial district with great ability. He commands the respect, the confidence, and the admiration of every one who knows him. He is a man who has endeared himself to the hearts of the people of Mississippi, and especially in his judicial district. They have great admiration and respect for his ability, and I say, ladies and gentlemen, that his ability as a lawyer is great, and knowing him as I do, it gives me great pleasure to second the nomination of Hon. David E. Crawley, of Kosciusko.

MR. W. BEN WILKES of Greenville: It was my pleasure, some twenty odd years ago to make the acquaintance of Mr. Dave Crawley. Shortly thereafter a friendship was formed that has existed until this day, a friendship that I have been very proud of. During this time I have watched Mr. Crawley's career with pride and have watched with a love that a man feels for a man whom he knows is his friend. I don't think any of you have been associated as closely with him as I have; I have slept in the same room with him probably six or eight years on an average of more than half the time, and that is the only way in which you can get to know a man. He was district-attorney at a time when I was court stenographer—I believe the lawyers term it the unholy alliance, the district attorney, the judge and the court stenographer. I know him and I want to say to you that in all my life I have never known a man who was fairer, squarer, and who tried to give every one a square deal. It is my pleasure, therefore, to second the nomination of Hon. David E. Crawley of Kosciusko. (Applause).

MR. WILLIAM A. BACON: Mr. President, I believe I rise to speak the sentiment and cause of the young men when I rise to second the nomination of Mr. Dave E. Crawley of Kosciusko. For me to second the nomination of such a great man and such a great practitioner is but to reiterate the words of the gentlemen who have just preceded me.

As a young man I have heard of Dave Crawley since the memory of this man runneth not to the contrary. I know he is a man who is full of young ideals. He abounds with vigor; he is forward looking, progressive; he has not gotten into a rut as perhaps might be said of some of the other lawyers of this state. He is a man who looks forward, progressive, and he will go forward with the ideals of this Mississippi State Bar so long as those ideals are consistent with good practice and good judgment.

I commend him to you, ladies and gentlemen of the Mississippi State Bar, because I believe we can find no better man to place at the head of our Bar than Hon. David E. Crawley of Kosciusko. He is a man whom you will be proud to point to as your president. He will inculcate into our bar the ideals and principles of which this bar should be proud, and so, Mr. President and members of the Bar, it gives me great pleasure to second the nomination of the Honorable David E. Crawley of Kosciusko.

MR. KELLY: I want to second the nomination of Dave Crawley. He is an eminent lawyer; he was a brave soldier; he is a real man. I hope you will elect him.

A VOICE: I move that the nominations be closed.

VOICE: Second the motion.

THE PRESIDENT: It has been moved and seconded that the nominations be closed. All in favor of the motion will say "Aye"; all opposed "No". The motion is carried.

I am going to appoint as tellers—the young man who does not believe in jury trials—Mr. Ray of Canton; and Mr. Hugh N. Clayton and Mr. Farish.

While the ballot is being taken, I should like to have announcement made of the members elected as the Executive Committee of the Junior Bar Section.

MR. CLAYTON: For the Northern District: Harvey Lee Morrison, of Okolona, Chas. A. Sisson, of Clarksdale, L. G. Fant, Jr., of Holly Springs.

For the Southern District: Jack Deavours, J. K. Travis, Bill Dent.

For the Central District: William A. Bacon, L. O. Smith, Jr., John Satterfield.

THE PRESIDENT: The result of the election shows the vote for Mr. Crawley of 83; and Mr. Welch 71. (Applause).

JUDGE LYELL: I move that the election of Mr. Crawley be made unanimous. (Applause).

VOICE: Second the motion.

THE PRESIDENT: All in favor of the motion will say "Aye"; opposed "No". The motion is carried.

I will ask Mr. Riley and Judge Lyell to escort the new president to the stand. (Applause).

THE CHAIR (Judge Everett): Mr. Crawley, these gentlemen want to hear from you.

MR. CRAWLEY: Mr. President, Ladies and Gentlemen of the Bar of Mississippi, my heart is overflowing with gratitude for this unbounded expression of your confidence in me. I appreciate, more than lies within my power to express, this signal honor that has been conferred upon one of the humblest members of the greatest professions on the face of the earth. (Applause). I shall accept the torch handed to me by my worthy predecessor that lights the way to truth and the way to justice in the promotion of the welfare of this organization; the attaining of its purposes shall be my constant aim and constant endeavor, and may God keep me steadfast in that purpose.

I want again to express to you my sincere thanks, my sincere appreciation for this great honor, and I only trust that I shall merit in the conduct of this great office the confidence that you have reposed in me. (Applause).

JUDGE EVERETT: The next order of business is the election of the Vice-President.

MR. WILBOURNE: I rise to nominate a gentleman who is well and favorably known to this Bar. He has always demeaned himself with honor and in an acceptable manner. He has served not only in our courts but in our schools in the service of the great profession to which we all belong. He is president of the West Point bar. I take pleasure in placing in nomination the name of Hon. William G. Roberds of West Point. (Applause).

MR. T. J. TUBB: As a member of the West Point bar I want to second his nomination.

MR. SMITH: I rise to second the nomination of Mr. W. G. Roberds. He was formerly connected with the Law School when I was a student there, and I express the sentiment of all of the former law students, in endorsing his excellent character, and his high standing.

MR. GRAHAM: I move that the nominations be closed.

VOICE: Second the motion.

JUDGE EVERETT: All in favor of the motion that the nominations be closed will say "Aye"; opposed "No". The ayes have it and it is so ordered.

You have elected Mr. W. G. Roberds of West Point as your first Vice-President. (Applause).

We now come to the selection of a second vice-president.

JUDGE LYELL: Mr. President, I wish to nominate one of the members of the Junior Bar Section, Mr. Hugh N. Clayton.

VOICE: I second the nomination and move that the nominations be closed.

THE CHAIR (Judge Everett): All in favor of the motion that the nominations be closed will say "Aye"; opposed "No". The motion is carried.

You have the name of Mr. Hugh N. Clayton in nomination for second vice-president. All in favor of the election of Mr. Hugh N. Clayton as second vice-president will say "Aye"; all opposed "No". Mr. Clayton is unanimously elected as second Vice-President. (Applause).

The next order of business is the selection of your commissioners. Each district will divide and get your ballots from the secretary, and then count your votes and announce the results. As I call the number of the district, will some one please announce who was elected commissioner from that district.

District No. 1	Ben McFarland, Aberdeen
District No. 2	W. L. Guice, Biloxi
District No. 3	R. C. Stovall, Okolona
District No. 4	Elbert Johnson, Indianola
District No. 5	M. L. Boykin, Vaiden
District No. 6	Gerald H. Brandon, Natchez
District No. 7	Fred Lotterhos, Jackson
District No. 8	A. W. Cooper, Forest
District No. 9	John Brunini, Vicksburg
District No. 10	J. B. Gipson, Meridian
District No. 11	Tom Trotter Ross, Clarksdale
District No. 12	C. W. Sullivan, Hattiesburg
District No. 13	E. L. Dent, Collins
District No. 14	W. S. Henley, Hazlehurst
District No. 15	E. B. Williams, Poplarville
District No. 16	W. E. Ward, Starkville
District No. 17	J. H. Caldwell, Charleston

REPORT OF COMPLAINT COMMISSIONER

TO THE MISSISSIPPI STATE BAR:

For the past four and one-half years, and since the reorganization of the Mississippi State Bar, it has been my pleasure to serve as Complaint Commissioner. I have really enjoyed this work because it has confirmed my opinion that practically all of the attorneys in Mississippi are high class, honorable men. In adjusting complaints I have tried to approach the attorneys complained of in a courteous way, feeling that in most cases the complaint was caused by an oversight or carelessness on the part of the attorney. In most instances I have met with a ready response from the attorneys and have succeeded in adjusting the complaint to the satisfaction of all parties.

During the time I have served as Complaint Commissioner approximately 125 complaints have been filed against 95 attorneys. In 20 of these complaints no affidavit was filed by the complaining party, and no action was taken in these cases because the failure to file an affidavit indicated that the complaint had either been adjusted or had no merit. Of the remaining complaints all except 29 were satisfactorily adjusted by me. In 14 other cases I was unable to get the attorney complained of to cooperate with me, and these matters were referred by the Commissioners to a committee of attorneys who succeeded in adjusting these complaints. Nine complaints are still pending with committees appointed by the Commissioners, and six cases are still pending with me.

On recommendation of special committees appointed to investigate the complaints, six attorneys have been prosecuted and disbarred, two of whom were afterwards reinstated; one attorney was suspended for six months, and one attorney was reprimanded. A number of complaints against two attorneys for failure to remit the proper amount for accounts collected by them were investigated by a committee appointed by the Commissioners, and these committees recommended that the complaints be dropped as they felt that no action should be taken under the peculiar circumstances surrounding these two attorneys complained of. Four other cases referred to committees by the Commissioners were successfully handled and proper accounting made for monies collected.

Ten of the complaints filed involved the failure of attorneys to return original notes and papers, and all of these matters were settled by me by correspondence with the attorneys complained of; ten complaints involved the failure of attorneys to properly represent clients after they had been paid a fee, but none of these cases had any merit and were dismissed. The balance of the complaints involved the failure to properly account for court cost advanced or to account for monies collected, the amount ranging from \$5.00 to \$300.00. In all of these cases, except the ones now pending, proper accounting was made and complaints dismissed.

During the past year only fifteen complaints have been filed, and six of these have been adjusted, the other nine being recent cases and now pending with committees appointed to investigate the merits of these complaints. From the small number of complaints filed this year, it is apparent that the lawyers in Mississippi are exercising great care and diligence in properly representing their clients and accounting for all monies due them.

Very truly yours,

BEN H. McFARLAND,
Complaint Commissioner,
Mississippi State Bar.

THE CHAIR (Judge Everett): That brings us down to the election of a delegate to the House of Deputies of the newly organized American Bar Association.

MAJ. WELLS: I nominate Dean T. C. Kimbrough as a delegate from the Mississippi State Bar to the House of Deputies of the American Bar Association.

MR. GRAHAM: I second the nomination and move that the nominations be closed.

THE CHAIR: All in favor of the motion that the nominations be closed and that Dean T. C. Kimbrough be elected will say "Aye"; opposed "No". Dean Kimbrough is elected.

The next is the selection of a place of meeting in 1937.

MR. LEON HENDRICKS: I know all of you want to get away, and I can imagine what you would be thinking about me if I made a long speech, especially in extending this invitation to you.

I was in the army and I can appreciate this little story. A Colonel and the General were walking down the street and passed a number of privates, and every time they would return the salute the Colonel would say, "Same to you." Finally the General asked the Colonel, "Why do you always say 'Same to you'—what do you mean?" He said, "I was a private once and I know what they are thinking about." (Laughter).

Gentlemen of the Mississippi Bar, if you want a business session, I invite you to come to Jackson. In 1932 when the Mississippi State Bar was organized, the legislature itself in its act creating the bar, designated Jackson for the first meeting place. We have not had you by invitation since 1927. In 1925 you went to Laurel; 1926, Biloxi; 1927 you came to Jackson; 1928, Gulfport; 1929, Clarksdale; 1930, Biloxi; 1931, Meridian; 1932, Jackson, by the act of legislature; 1933, Vicksburg; 1934, Hattiesburg; 1935, Natchez; 1936, Greenville. Let me call your attention to the attendance at these meetings since 1932. In 1932 there were present enrolled at Jackson 480; Vicksburg 394; Hattiesburg 280; Natchez 250; Greenville—I understand there are just about 250 present at this meeting. So gentlemen, seriously, that is less than twenty-five per cent of the lawyers of the State of Mississippi, and we here are now making rules and regulations and passing resolutions for 1300 members of the bar of the State of Mississippi.

Now, if we are going to continue to grow; if our actions are going to meet with the approval of the vast majority of the lawyers of Mississippi, we have got to have more in attendance.

Jackson offers you all the hotel facilities necessary; we can give you any kind of entertainment, if you want entertainment. But if you want a business session that will be attended by the lawyers from the north, south Mississippi, Delta, southeast Mississippi, Jackson is the place to have it.

There are gentlemen here who will ask you to come to Biloxi and Gulfport, where you will enjoy yourself and have a big time. I do not know of a more delightful country in the United States

than our gulf coast, but if you want to have more of the lawyers present, you will have to think about the expense—there are lawyers who have to think of that. Jackson is easy to get to, and the lawyers come to Jackson on other matters, and they will possibly find a client or two who will pay their expense to Jackson to attend to some business for them there. I hope you will come to Jackson. (Applause).

MR. WILBOURN: The bar of Meridian had a meeting a week or more ago, which was largely attended; it was unanimously decided to extend an invitation to the State Bar to come to Meridian in 1937. Following up that invitation twelve members of the Bar are here today to emphasize that invitation, and in addition to that, to assure you that if you come to Meridian you will not only have a business session, but that we can give you all the fine hotel accommodations you require. We will go the limit in extending to you proper entertainment. We can entertain you as well as any other place, and we will undertake to do so, and furthermore, we will live up to all the things that we promise you, and all of the gentlemen of the Meridian Bar will back us up in extending this invitation. The practice of going to different sections of the state is one of the reasons why you do not have the same members present at the meetings, and you never will have, because sometimes the place is too remote. However, in this instance Meridian has not had the meeting of the Bar since Jackson has. We have not had it since 1931; we are centrally located in the central portion of east Mississippi (laughter) easily accessible to the farthest northern town, easily accessible to the southern town, to the southeast and the southwest, and to the coast, and we feel that your meeting will be largely attended in Meridian, and it will give an opportunity to many in our section to attend who would not be able to get to other sections.

There are a number of reasons why we think you should come to us. The various organizations of our city join in extending to you this invitation, and I wish to assure you also that it is worth a thousand dollars a day for you to be in Meridian. I have that on the authority of a gentleman who did not want to give a verdict against a Meridian citizen in favor of a gentleman from Ohio, on a question of law in Judge Holmes' court. He tried to get the rest of the jurors to refuse to obey the Judge's instructions. Finally, he knocked off \$4,000 from the damages, and they pressed him for a reason why, and the only reason he could give was the darn Yankee had been to the best town in America for four days and it ought to be worth a thousand dollars a day to him. (Applause—laughter).

I have some telegrams that I want to call to your attention. The Pilot Club, a club of seventy-five young ladies, say "We guarantee you a good time in Meridian; we will take care of all of the bachelors." (Laughter—applause). I won't take the time to read all of these telegrams; that is just one of them.

Some of the wives of the Meridian bar have been with us here, and if you have met them I am sure you will agree that you won't find any better or finer ladies in this country, so with those samples before you, and this fine invitation from the Pilot Club, who guarantee a splendid time to all of the bachelors, we urge you to come to Meridian. (Applause).

JUDGE RUSSELL: I have attended meetings of the Bar in Jackson and Meridian a number of times, and I am prepared to underwrite all that has been said in behalf of their cities; but I am prepared to offer this association a better place. If we can get a better place, why be satisfied with a good place. Biloxi is always the best bet for the lawyers, married lawyers and young lawyers and the ladies. All that can be said of Jackson and all that can be said of Meridian, we are prepared to say for Biloxi, and more, too.

I am sure these young members of the Bar who have come for the first time, will be glad to come down to the coast. You can come by airplane, we have one of the finest airports in the country; you can come by automobile, highway 49 leads straight to the Mississippi coast, and it will be completed by that time; you can come by the Tombigbee River and the Pearl River, the basin will be completed by that time and you can come by private yacht. You can come by two of the best railroads in the country. We have plenty of hotel facilities; we don't have to get them ready, they are ready all the time, and we stay ready. In fact, all that my friend Wilbourn and my friend from Jackson have said about Meridian and Jackson is true of the coast. We do not have to turn on the fans in the hotels and places like that. Just go down to the Buena Vista and White House pavilions and the breeze is blowing all the time, and when you return for refreshment it follows you back to the hotel and up and down the street.

They say Meridian is centrally located; it is centrally located in the east; but Biloxi is centrally located in the south. I submit to you cold facts and reason, and the cold facts and figures are with Biloxi. Senator Harrison, after his strenuous campaign, came down to Biloxi to rest, and he is there now, resting and regaling in the breezes while the tidal waves lick his feet.

As a business proposition, if you want to have just a cold-blooded business session, go to these other places; but if you want to be entertained and have business, it is our business to entertain, and when you have finished your business sessions, then it will be our business to see to your entertainment.

You wives, you come on down with your husbands; you may not get a break here, but come to the gulf coast, and we will relieve you of your husbands for a little while. The old fellows get their break down there on the coast. We will give you the keys to the city and the keys to the cellar. Come on down to the gulf coast. (Applause).

VOICES: Vote, vote, vote.

MR. GRAHAM: You know the only objection that I can see of going to the Mississippi coast, as Judge Russell so urgently insisted that we come, is suggested by the remark of a negro down on the Florida coast. A stranger asked this darkey, "How do all these people live on the coast?" He said, "They lives mostly on fishes and strangers." Now the great advantage we offer—I have been on the coast a great many times, and, as the gentleman from Jackson stated, we have to think of finances, and to some of the younger members I think Meridian offers the best inducement of any town that has offered to entertain the convention. I think the city of Meridian is the cheapest place in the south; you can get the best food and the cheapest bed of all the southern states I have had occasion to visit in the past four years. That should be some consideration.

We offer you eight different railroads; we have railroads from eight different directions. We will have at that time a hard-surface road from Vicksburg to Meridian, almost as straight as a gun barrel; and the members from northwest and southwest can get there on number eleven, and when you get to Vicksburg you are only two hours from Meridian; from Jackson an hour and thirty minutes by automobile.

At New Orleans recently at a national fraternity convention a representative from the Buena Vista Hotel was inviting a bunch of college-bred men and college professors to the coast, and among the number were some Presbyterian ministers, and he told them that Buena Vista was the only hotel in the state that had a bar. Now, then, gentlemen, they have everything down there for a price. I don't think we ought to go to the coast; I would rather go to Jackson than the coast, but I think we should go to Meridian. I love to go to the coast, my loved ones live there, and I know just how wonderful their entertainment is, but it is the most expensive place in the state of Mississippi to attend a bar convention. They have so many things you want you cannot get away from there with a dime.

We want you to come to Meridian; the Pilot Club wants you; we all want you.

JUDGE EVERETT (in the chair): We have a number of letters and telegrams here but the time is growing short and everybody is getting hungry. I think we should pass on this matter.

We will take a vote on the cities in the reverse order of their presentation. We will vote on Biloxi first. All in favor of Biloxi will stand. There are thirty-four in favor of Biloxi.

Meridian will be next. All in favor of Meridian will stand and be counted. There are fifty-seven.

All in favor of Jackson will stand and be counted. There are twenty-five for Jackson.

There is no question but that that telegram that Mr. Wilbourne read turned the trick.

MR. FORMAN: That is not a majority.

JUDGE EVERETT: That is true, we will have to take the vote between Biloxi and Meridian.

MR. GUICE: I think the choice should be by secret ballot, and I make that motion.

VOICES: No, no, no.

JUDGE EVERETT: The motion was lost by want of a second.

All in favor of Biloxi will stand until they are counted. There are sixty for Biloxi.

All in favor of Meridian will stand and be counted. The result is sixty-three.

That telegram still stands, boys!

The association is now adjourned.

I certify and approve the foregoing as the proceedings and minutes of the annual meeting of the Mississippi State Bar.

FRANK E. EVERETT, President.

ALICE NEVELS, Secretary.

September 30, 1936.

GREENVILLE

Of all the cities we have seen,
The Delta's dearest, queenliest queen
Is Greenville by the river,
Where morning glories, wild legumes,
With cotton, corn, and clover blooms,
Shed on the air their sweet perfumes—
Enchanting us forever.

Of all the cities we have known
Whose people we would call our own
Were folks of high endeavor;
None can surpass this magic town,
None worthier of a noble crown,
None pulls more cash and cotton down,
Than Greenville by the river.

While men may come and men may go,
And floods my cause an overflow
Along this mighty river,
Yet still she stands with beck'ning hands
Across the years, at God's commands.
Queen city of the Delta lands,
O, Greenville, live forever.

—W. A. ELLIS, Carthage, Miss.

REPORT ON ACCOUNTS AND FINANCE MISSISSIPPI STATE BAR

Report on audit of accounts and financial records for the year ended May 30, 1936, including statement of receipts and disbursements and of supporting schedules

W. Q. SHARP & COMPANY
CERTIFIED PUBLIC ACCOUNTANTS

Members of American Institute of Accountants
W. Q. Sharp B. Miller D. D. Quin A. E. Sanford

JACKSON, MISSISSIPPI

June 8, 1936

Board of Commissioners,
Mississippi State Bar,
Jackson, Mississippi.

Gentlemen:

We have audited the accounts and financial records of the Mississippi State Bar as maintained in the office of the Secretary-Treasurer, for the year ended May 30, 1936. This audit consisted of the verification of all recorded receipts and disbursements during the year, and the verification of the unexpended balance on hand at May 30, 1936.

The results of our audit are presented in this report, which includes: (1) text of comments and explanatory detail; (2) statement of receipts and disbursements for the year ended May 30, 1936; (3) schedules supplementing the foregoing statement.

COMMENTS RESPECTING RECEIPTS AND DISBURSEMENTS

Exhibit A presents statement of receipts and disbursements for the year ended May 30, 1936.

A summary of the receipts and disbursements for the current year and a comparison with a summary of receipts and disbursements for the year ended May 30, 1935, are presented in the following table:

	1935-36	1934-35	Increase Decrease-
BALANCE ON HAND			
BEGINNING OF YEAR	\$2,941.41	\$2,662.60	\$ 278.81
RECEIPTS:			
Net dues collected.....	5,315.00	5,545.00	230.00-
Collection of returned checks, covering prior years dues	10.00	15.00	5.00-
	<u>\$5,325.00</u>	<u>\$5,560.00</u>	<u>\$ 235.00-</u>
	\$8,226.41	\$8,222.60	\$ 43.31
DISBURSEMENTS:			
Office expenses	\$2,156.65	\$1,754.43	\$ 402.22
Annual convention	372.85	299.92	72.93
Commissioners expense	772.70	310.41	462.29
Mississippi Law Journal.....	1,748.70	1,851.30	102.60-
Salary of Secretary-Treasurer.....	240.00	720.00	480.00-
Expenses in disbarment cases.....	43.38	146.26	102.88-
Incidental expenses	90.85	198.87	108.02-
	<u>\$5,425.13</u>	<u>\$5,281.19</u>	<u>\$ 143.94</u>
BALANCE ON HAND END OF YEAR	\$2,841.28	\$2,941.41	\$ 100.13-

The salary of Mrs. Alice Nevels, Secretary-Treasurer, has been included in the classification of "office expenses" for comparative purposes with expenses for the prior year.

An analysis of net dues collected for the year ended May 30, 1936, is presented in schedule A-1. During the year, your Secretary-Treasurer issued receipts to 1,068 members. Checks covering five of these receipts were returned and had not been collected at the date of our report.

All cancelled checks of your depository were carefully examined and we found that expenditures were supported by proper vouchers. The balance of \$2,841.28 remaining on hand at May 30, 1936 was verified by direct communication with your depository.

We were advised by your Secretary-Treasurer that your depository is holding a cashier's check for \$5.00 issued in your favor covering overdeposit of like amount. This item evidently belongs to some member of the Bar for dues for the current year, however, we were unable to determine to whom receipt should be issued. This amount has not been included in our statement of receipts and disbursements, and we would suggest that you advise the Secretary-Treasurer what disposition should be made of same.

A list of delinquent members at May 30, 1936 is presented in schedule A-2. Returned checks held for redeposit, for which receipts have been issued, are reflected in schedule A-3. While members whose checks have been returned unpaid are delinquent, it was deemed advisable to show these in a separate schedule.

A review of the membership roll of the association for the current year disclosed the following information:

Active members paying dues.....	1,050
Delinquent members	135
Exempt members	39
Not in active practice.....	121
New members exempt for one year.....	95
 Total members on roll.....	 1,440

Adjusting entries have been made in the journal as of May 30, 1936 to bring the financial records into conformity with the statement of receipts and disbursements forming a part of this report.

Yours very truly,

W. Q. SHARP & COMPANY,
Certified Public Accountants.

MISSISSIPPI STATE BAR

List of Statements Contained in Report, Year Ended May 30, 1936

Exhibit A—Statement of Receipts and Disbursements, Year Ended May 30, 1936.

Schedule A-1—Analysis of Net Dues Collected, Year Ended May 30, 1936.

Schedule A-2—Schedule of Delinquent Members at May 30, 1936.

Schedule A-3—Schedule of Returned Checks Held for Redeposit at May 30, 1936.

Exhibit A

MISSISSIPPI STATE BAR

*Statement of Receipts and Disbursements, Year Ended
May 30, 1936*

BALANCE ON HAND, MAY 31, 1935 \$2,941.41

RECEIPTS:

Net dues collected—schedule A-1	\$5,315.00	
Collection of returned checks covering prior year's dues	10.00	
		5,325.00
		8,266.41

DISBURSEMENTS:

Office expense:

Salary—Mrs. Alice Nevels, Sec.-Treas.	\$1,400.00	
Postage	306.99	
Stationery, printing and office supplies	204.94	
Telephone and telegraph	136.38	
Auditing	50.00	
Office equipment	32.44	
Exchange	10.90	
Bond premium—Sec.-Treas.	15.00	2,156.65
Annual convention	372.85	
Commissioners expense	772.70	
Mississippi Law Journal:		
Fourth quarter 1934-35	248.70	
Four quarters 1935-36	1,500.00	
		1,748.70
Salary—Walter Capers, Sec.-Treas. (4 Months)	240.00	
Expense of Complaint Committee investi- gating disbarment cases	43.38	
Incidental expenses:		
Postage, telephone and telegraph of President	31.46	
Judiciary committee expenses	57.35	
Miscellaneous committee expense	2.04	
		90.85
		5,425.13
BALANCE ON HAND, MAY 30, 1936		\$2,841.28

Schedule A-1

MISSISSIPPI STATE BAR

Analysis of Net Dues Collected, Year Ended May 30, 1936

GROSS RECEIPTS:

	No. of Members	1932-33	1933-34	1934-35	1935-36	1936-37	Total
1932-33 dues							
Nos. 1205-1206	2	\$ 10.00	\$	\$	\$	\$	10.00
1933-34 dues							
Nos. 1132-1134	3		15.00				15.00
1934-35 dues							
Nos. 1075-1089	15			75.00			75.00
1935-36 dues							
Nos. 17-1050	1,034				5,170.00		5,170.00
1936-37 dues							
Nos. 1-14	14					70.00	70.00
	1,068	10.00	15.00	75.00	5,170.00	70.00	5,340.00
Returned Checks	5			5.00	20.00		25.00
	1,063	\$ 10.00	\$ 15.00	\$ 70.00	\$5,150.00	\$ 70.00	\$5,315.00

Schedule A-2

MISSISSIPPI STATE BAR

Schedule of Delinquent Members at May 30, 1936

Judicial District	Name	Address	No. Yrs. Delq. Years Delinquent	Amount
12	Anderson, Cephus	Hattiesburg	2 1934-35 & 1935-36	\$ 10.00
12	Anderson, G. D.	Do.	2 1934-35 & 1935-36	10.00
14	Barlow, E. C.	Brookhaven	1 1935-36	5.00
			2 1934-35 & 1935-36	10.00
15	Bridges, L. C.	Purvis	1 1935-36	5.00
10	Brooke, Akin	Meridian	3 1933-34, 1934-35 & 1935-36	15.00
1	Buchanan, Frank J.	Amory	1 1935-36	5.00
12	Buchanan, Harry	Hattiesburg	1 1935-36	5.00
10	Buckley, John L.	Enterprise	1 1935-36	5.00
2	Bullard, Wm. D.	Pascagoula	4 1932-33, 33-34, 34-35, 35-36	20.00
12	Bullard, R. L.	Hattiesburg	4 1932-33, 33-34, 34-35, 35-36	20.00
10	Byrd, J. M.	Leakesville	4 1932-33, 33-34, 34-35, 35-36	20.00
6	Byrnes, C. F.	Natchez	1 1935-36	5.00
7	Boyett, W. G.	Jackson	1 1935-36	5.00
12	Bertrand, Miss Ruth L.	Hattiesburg	2 1934-35 & 1935-36	10.00
			1 1935-36	5.00
10	Broadway, L. J.	Meridian	4 1932-33, 33-34, 34-35, 35-36	20.00
12	Carter, B. F.	Laurel	2 1934-35 & 1935-36	10.00
7	Case, C. C.	Jackson	3 1933-34, 1934-35 & 1935-36	15.00
10	Churchwell, W. C.	Leakesville	4 1932-33, 33-34, 34-35, 35-36	20.00
1	Clark, T. A.	Iuka	3 1933-34, 1934-35 & 1935-36	15.00
12	Collins, Jeff	Laurel	4 1932-33, 33-34, 34-35, 35-36	20.00
12	Conner, Dudley W.	Hattiesburg	3 1933-34, 1934-35 & 1935-36	15.00
12	Cooley, D. B.	Laurel	3 1933-34, 1934-35 & 1935-36	15.00
			1 1935-36	5.00
8	Cooper, S. B.	Philadelphia	3 1933-34, 1934-35 & 1935-36	15.00
8	Coursey, B. F.	Decatur	2 1934-35 & 1935-36	10.00
7	Crisler, Bert	Jackson	1 1935-36	5.00

Schedule A-2—Continued
Schedule of Delinquent Members at May 30, 1936—Continued

Judicial District	Name	Address	No. Yrs. Delq.	Years Delinquent	Amount
8	Cooper, Milton	Philadelphia	2	1934-35 & 1935-36	10.00
16	Davis, D. P.	DeKalb	1	1935-36	5.00
5	Davis, James L., Jr.	Louisville	2	1934-35 & 1935-36	10.00
14	Davis, John E.	McComb	1	1935-36	5.00
10	Davis, W. S.	Waynesboro	2	1934-35 & 1935-36	10.00
2	Dedeaux, O. J.	Gulfport	2	1934-35 & 1935-36	10.00
			4	1932-33, 33-34, 34-35, 35-36	20.00
12	Draughn, D. W.	Hattiesburg	1	1935-36	5.00
12	Easterling, Albert E.	Laurel	2	1934-35 & 1935-36	10.00
1	Ellis, W. B.	Iuka	4	1932-33, 33-34, 34-35, 35-36	20.00
2	Elmer, F. W., Jr.	Biloxi	3	1933-34, 1934-35 & 1935-36	15.00
10	Estes, Wm. M.	Enterprise	4	1932-33, 33-34, 34-35, 35-36	20.00
12	Evans, C. C.	Laurel	3	1933-34, 1934-35 & 1935-36	15.00
8	Everett, W. M.	Decatur	1	1935-36	5.00
4	Eastland, J. O.	Ruleville	2	1934-35 & 1935-36	10.00
9	Feld, N. B.	Vicksburg	2	1934-35 & 1935-36	10.00
14	Felder, Luther W.	McComb	1	1935-36	5.00
4	Ford, R. C.	Greenwood	4	1932-33, 33-34, 34-35, 35-36	20.00
14	Garth, J. Hunter	Hazlehurst	2	1934-35 & 1935-36	10.00
2	Gautier, H. W.	Pascagoula	1	1935-36	5.00
11	Gore, T. N.	Marks	1	1935-36	5.00
2	Graham, D. M.	Gulfport	2	1934-35 & 1935-36	10.00
2	Graham, D. M., Jr.	Do.	3	1933-34, 1934-35 & 1935-36	15.00
1	Green, Jess D.	Tupelo	2	1934-35 & 1935-36	10.00
			1	1935-36	5.00
			1	1935-36	5.00
15	Hammond, Kelly J.	Columbia	1	1935-36	5.00
10	Holmes, D. B., Jr.	Meridian	2	1934-35 & 1935-36	10.00
12	Holmes, D. W.	Hattiesburg	4	1932-33, 33-34, 34-35, 35-36	20.00
5	Hopkins, Thos. G.	Louisville	2	1934-35 & 1935-36	10.00
			1	1935-36	5.00
8	Hunter, J. Q., Jr.	Union	3	1933-34, 1934-35 & 1935-36	15.00
2	Hutto, A. C.	Gulfport	1	1935-36	5.00
10	Hutto, W. M.	Waynesboro	2	1934-35 & 1935-36	10.00
16	Holesapple, Newton	Columbus	1	1935-36	5.00
7	Hutton, J. B., Jr.	Jackson	1	1935-36	5.00
			2	1934-35 & 1935-36	10.00
16	Jack, E. E.	Scooba	1	1935-36	5.00
4	Jayne, R. L.	Greenville	2	1934-35 & 1935-36	10.00
			2	1934-35 & 1935-36	10.00
1	Jourdan, J. C., Jr.	Iuka	4	1932-33, 33-34, 34-35, 35-36	20.00
12	Koonce, Pat	Hattiesburg	3	1933-34, 1934-35 & 1935-36	15.00
1	Lacy, Eugene P.	Booneville	2	1934-35 & 1935-36	10.00
5	Landrum, Scott	Kosciusko	2	1934-35 & 1935-36	10.00
15	Lee, W. J., Jr.	Prentiss	4	1932-33, 33-34, 34-35, 35-36	20.00
1	Long, Sam P.	Tupelo	4	1932-33, 33-34, 34-35, 35-36	20.00
4	Mabry, W. O., Jr.	Goodman	1	1935-36	5.00
11	Magruder, J. D.	Tunica	3	1933-34, 1934-35 & 1935-36	15.00
2	Maples, L. W.	Gulfport	2	1934-35 & 1935-36	10.00
7	Mattox, Phillip	Jackson	2	1934-35 & 1935-36	10.00
7	McGowan, M. M.	Jackson	1	1935-36	5.00
3	McKenzie, L. T.	Ashland	2	1934-35 & 1935-36	10.00
13	McLeod, D. A.	Mt. Olive	3	1933-34, 1934-35 & 1935-36	15.00
12	Melvin, Leonard B.	Laurel	3	1933-34, 1934-35 & 1935-36	15.00
14	Miller, Hugh B.	Hazlehurst	1	1935-36	5.00

Schedule A-2—Continued

Schedule of Delinquent Members at May 30, 1936—Continued

Judicial District	Name	Address	No. Yrs.		Amount
			Delq.	Years Delinquent	
8	Mize, F. F.	Forest	1	1935-36	5.00
12	Montgomery, Goode	Laurel	4	1932-33, 33-34, 34-35, 35-36	20.00
12	Montgomery, Holt	Laurel	4	1932-33, 33-34, 34-35, 35-36	20.00
4	Morgan, F. R.	Morgan City	1	1935-36	5.00
13	Moss, Jos. H.	Raleigh	3	1933-34, 1934-35 & 1935-36	15.00
4	Mounger, Gilruth	Greenwood	3	1933-34, 1934-35 & 1935-36	15.00
8	Munn, W. L., Jr.	Newton	1	1935-36	5.00
15	McKee, H. K.	Picayune	1	1935-36	5.00
13	McLendon, Robt. L.	Vossburg	1	1935-36	5.00
1	Mitchell, B. T.	Tupelo	1	1935-36	5.00
7	Nelson, A. M.	Jackson	2	1934-35 & 1935-36	10.00
			2	1934-35 & 1935-36	10.00
3	Oldham, L. E.	Oxford	2	1934-35 & 1935-36	10.00
11	O'Neal, J. H.	Clarksdale	2	1934-35 & 1935-36	10.00
11	Pace, Courtney C.	Pace	3	1933-34, 1934-35 & 1935-36	15.00
3	Parker, E.	Houston	2	1934-35 & 1935-36	10.00
10	Phillips, Casper C.	Meridian	2	1934-35 & 1935-36	10.00
			1	1935-36	5.00
7	Pierce, Whitfield	Jackson	1	1935-36	5.00
7	Ratliff, P. D.	Raymond	1	1935-36	5.00
7	Redmond, S. D.	Jackson	2	1934-35 & 1935-36	10.00
1	Rhine, H. M.	Iuka	4	1932-33, 33-34, 34-35, 35-36	20.00
12	Ross, Quitman	Laurel	4	1932-33, 33-34, 34-35, 35-36	20.00
10	Riddell, J. A.	Meridian	1	1935-36	5.00
15	Shanks, J. W.	Sumrall	3	1933-34, 1934-35 & 1935-36	15.00
2	Simmons, J. U.	Gulfport	3	1933-34, 1934-35 & 1935-36	15.00
16	Sims, W. L.	Columbus	4	1932-33, 33-34, 34-35, 35-36	20.00
8	Stone, H. R., Jr.	Decatur	1	1935-36	5.00
			1	1935-36	5.00
			1	1935-36	5.00
16	Stribling, Wm. P.	Columbus	2	1934-35 & 1935-36	10.00
1	Summers, C. L.	Corinth	2	1934-35 & 1935-36	10.00
10	Temple, W. F.	Meridian	3	1933-34, 1934-35 & 1935-36	15.00
8	Wadsworth, J. M.	Forest	4	1932-33, 33-34, 34-35, 35-36	20.00
12	Walker, Roy	Laurel	1	1935-36	5.00
8	Wall, E. R.	Newton	1	1935-36	5.00
			1	1935-36	5.00
2	Ward, E. C.	Biloxi	2	1934-35 & 1935-36	10.00
7	Wells, Will S.	Jackson	2	1934-35 & 1935-36	10.00
7	Whitfield, Garland Q.	Jackson	2	1934-35 & 1935-36	10.00
2	Wiggington, R. D.	Biloxi	3	1933-34, 1934-35 & 1935-36	15.00
4	Williams, Parham H.	Lexington	1	1935-36	5.00
15	Williamson, T. L.	Purvis	2	1934-35 & 1935-36	10.00
14	Wilson, Chas. D.	Hazlehurst	2	1934-35 & 1935-36	10.00
1	Windham, E. K.	Booneville	2	1934-35 & 1935-36	10.00
14	Womack, Edw. L.	Brookhaven	2	1934-35 & 1935-36	10.00
2	Wood, C. H.	Moss Point	4	1932-33, 33-34, 34-35, 35-36	20.00
1	Wright, C. B.	Belmont	3	1933-34, 1934-35 & 1935-36	15.00
11	Wynne, Frank	Merigold	4	1932-33, 33-34, 34-35, 35-36	20.00
12	Young, H. D.	New Augusta	3	1933-34, 1934-35 & 1935-36	15.00

Total

\$1,460.00

Schedule A-3

MISSISSIPPI STATE BAR

*Schedule of Returned Checks Held for Redeposit
at May 30, 1936*

Judicial District	Name	Address	No. of Years	Years Covered	Amount
8	S. D. Cooper	Philadelphia	1	1932-33	\$ 5.00
13	Jos. H. Moss	Raleigh	1	1932-33	5.00
8	John Q. Hunter	Union	1	1932-33	5.00
14	John E. Davis	McComb	1	1933-34	5.00
8	Ben F. Coursey	Decatur	1	1933-34	5.00
7	W. G. Boyett	Jackson	1	1934-35	5.00
14	D. M. Miller	Hazlehurst	1	1933-34	5.00
7	Will P. Searcy	Jackson	1	1935-36	5.00
5	J. S. Savage	Ackerman	1	1935-36	5.00
13	L. V. Tullos	Raleigh	1	1935-36	5.00
13	J. D. Martin	Raleigh	3	1933-34, 1934-35, & 1935-36	15.00
Total					\$65.00

1936 DIRECTORY

MISSISSIPPI STATE BAR

Abernathy, H. B., Houston
 Abernathy, Thos. G., Okolona
 Adam, C. B., Pass Christian
 Adam, E. J., Pass Christian
 Adam, E. J., Jr., Pass Christian
 Adams, B. C., Hattiesburg
 Adams, J. Hermon, Raymond
 Adams, J. J., Clarksdale
 Adams, J. J., Jr., Clarksdale
 Adams, J. L., Quitman
 Adams, L. M., Jackson
 Adams, M. T., Tupelo
 Adams, W. C., Corinth
 Alcorn, W. A., Jr., Clarksdale
 Alderman, J. E., Leakesville
 Aldridge, John Edw., Winona
 Alexander, H. Chalmers, Jackson
 Alexander, James A., Jackson
 Alexander, Julian P., Jackson
 Alexander, M. L., Picayune
 Alexander, W. B., Jr., Cleveland
 Alford, J. M., Tylertown
 Alford, S. M., Jackson
 Allen, B. B., Indianola
 Allen, J. F., Kosciusko
 Allen, Joe Frank, Kosciusko
 Allen, John Percy, Kosciusko
 Allen, N. R., Shaw
 Allen, Paul, Belmont
 Allen, Percy W., Indianola
 Allen, T. D., Jr., Shaw
 Allen, Ward, Greenwood
 Amis, A. B., Meridian
 Amis, A. B., Jr., Newton
 Amis, Marshall W., Meridian
 Anderson, Cephus, Hattiesburg
 Anderson, Charles, Columbus
 Anderson, D. M., Newton
 Anderson, Fred A., Jr., Gloster
 Anderson, G. D., Hattiesburg
 Anderson, John R., Tupelo
 Anderson, L. D., Sumner
 Anderson, R. B., Port Gibson
 Anderson, W. D., Jackson
 Anderson, W. H., Ripley
 Anderson, S. V., Greenville
 Andrews, Landrum C., Oxford
 Antoon, Edward J., Greenwood
 Armstrong, Jno. T., Hazlehurst
 Arnold, Roy, Jackson
 Arrington, James D., Whitfield
 Arrington, Joe Drake, Gulfport
 Arrington, John H., Monticello
 Arrington, R. O., Crystal Springs

Austin, B. G., DeKalb
 Austin, H. L., Jackson
 Averill, Wm. Prentice, Oxford
 Avery, Ralph B., Jackson
 Ayers, S. N., Ripley
 Babendreer, Eleanor, Gulfport
 Backstrom, J. W., Leakesville
 Backstrom, Oscar, Gulfport
 Bacon, Wm. Arthur, Durant
 Baddy, Hugh M., Water Valley
 Bailey, T. L., Meridian
 Banks, Geo. H., Newton
 Bankston, W. L., Tunica
 Barbee, J. W., Hernando
 Barbour, Jephtha, Yazoo City
 Barbour, J. F., Yazoo City
 Barbour, J. S., Jackson
 Barksdale, Henry, Jackson
 Barlow, E. C., Brookhaven
 Barnett, Arden, Jackson
 Barnett, H. C., Carthage
 Barnett, O. H., Jr., Carthage
 Barnett, Ross R., Jackson
 Barnett, Tom J., Carthage
 Barrett, Pat M., Lexington
 Bates, S. Lyle, Cleveland
 Batson, Alpheus, Bothwell
 Batson, W. C., Wiggins
 Bean, George, Okolona
 Beard, W. A., Jr., Laurel
 Belk, Fred M., Holly Springs
 Belk, Wm. D., Holly Springs
 Bell, A. H., Greenwood
 Bell, B. F., Starkville
 Bell, Fulton, Greenville
 Bell, James W., Jr., Tunica
 Bell, Percy, Greenville
 Bennett, R. E., Meadville
 Benson, Homer F., Fulton
 Benson, Isaac D., Anguilla
 Berman, Jos. E., Lexington
 Berry, O. L., New Hebron
 Berry, S. B., Hattiesburg
 Bertrand, Ruth L., Hattiesburg
 Bickerstaff, R. O., Gulfport
 Bilbo, Senator Theo. G., Poplarville
 Bishop, R. J., Hattiesburg
 Black, E. C., Marks
 Blackburn, D., Conehatta
 Blair, W. A., Tupelo
 Blissard, Tom L., Houston
 Bloomfield, Horace, Gulfport
 Blount, James A., Charleston
 Bogen, Edw. Jr., Greenville

- Boggan, J. W. P., Tupelo
 Bolton, C. R., Tupelo
 Bonelli, Albert M., Vicksburg
 Boone, E. E., Marks
 Boone, R. M., Jr., Marks
 Boswell, H. H., Coffeeville
 Bourdeaux, R. M., Meridian
 Bowdre, P. H., Hernando
 Boydston, R. W., Louisville
 Boyett, W. G., Jackson
 Boykin, Mack L., Vaiden
 Boyless, H. L., Jr., Bay Springs
 Boyles, J. B., Batesville
 Bozeman, Albert S., Jr., Meridian
 Bozeman, A. S., Meridian
 Bradford, J. W., Itta Bena
 Bradshaw, F. W., Jackson
 Brady, B. M., Jackson
 Brady, Tullius, Brookhaven
 Brady, T., Jr., Brookhaven
 Brady, Thos. Pickens, Brookhaven
 Bramlette, David Clay, Woodville
 Brandon, G. H., Natchez
 Brandon, Gerard, Natchez
 Brandon, J. M., Natchez
 Brammon, Mary Sue, Winona
 Brantley, Z. A., Louisville
 Bratton, C. A., Oxford
 Bratton, Thos. S., Jackson
 Breland, J. J., Sumner
 Brennan, E. F., Brookhaven
 Brett, M. D., care Dept. Bank
 Supervision, Jackson
 Brewer, Dan C., Clarksdale
 Brewer, Earl, Jackson
 Brewer, Ed. C., Clarksdale
 Bridgeforth, Allen, Yazoo City
 Bridges, L. C., Purvis
 Brien, E. L., Vicksburg
 Broach, Walker, Jr., Meridian
 Britton, E. H., Macon
 Broadus, A. Q., Purvis
 Broadway, L. J., Meridian
 Brocato, V. J., Clarksdale
 Brooke, Akin, Meridian
 Brooks, J. M., Clarksdale
 Brooks, Rodney, Clarksdale
 Broom, S. C., Jackson
 Brown, A. L., Rolling Fork
 Brown, Berry D., Sidon
 Brown, Charles Scott, Gulfport
 Brown, D. W., Fulton
 Brown, G. N., Bay Springs
 Brown, J. H., Fulton
 Brown, James T., Jackson
 Brown, Joseph E., Natchez
 Brown, Lucille, Jackson
 Brown, L. W., Starkville
 Brown, M. D., Gulfport
 Bruce, Arthur, Greenwood
 Brumby, J. H., Jackson
 Brunini, Alexander J., Vicksburg
 Brunini, E. L., Vicksburg
 Brunini, J. B., Vicksburg
 Bryan, Harry M., Jackson
 Bryant, Clifton E., care Federal
 Land Bank, New Orleans
 Bryant, Rae, Gulfport
 Buchanan, Frank J., Amory
 Buchanan, Harry, Hattiesburg
 Buchanan, James R., Laurel
 Buckley, J. Emmett, Enterprise
 Buckley, John L., Enterprise
 Buffington, J. V., Meridian
 Bullard Wm. D., Pascagoula
 Bullard, R. L., Hattiesburg
 Buntin, R. R., Gulfport
 Burgin, D. A., Columbus
 Burdett, W. F., Richton
 Burkett, John G., Jackson
 Burnaman, C. Frederic, Jackson
 Burns, Jas. A., Meridian
 Burns, R., Jr., Brandon
 Busby, A. C., Waynesboro
 Busby, Jeff, Houston
 Butler, George H., Jackson
 Butler, John Sharp, Quitman
 Butts, Dr. A. B., University
 Byars, Wilton Vance, Oxford
 Byrd, A. M., Meridian
 Byrd, J. L., Jackson
 Byrd, J. M., Leakesville
 Byrd, T. H., Lucedale
 Byrd, W. A., Newton
 Byrnes, C. F., Natchez
 Caldwell, J. H., Charleston
 Caldwell, J. H., Jr., Charleston
 Caldwell, Thos. P., Cleveland
 Calhoun, Edwin L., Mount Olive
 Calhoun, L. J., Jackson
 Calhoun, Robert L., Mount Olive
 Cameron, Ben F., Meridian
 Cameron, Charles B., Meridian
 Campbell, Charles S., Jackson
 Campbell, J. E., Laurel
 Campbell, George H., Yazoo City
 Campbell, T. H., Yazoo City
 Campbell, T. H., Jr., Yazoo City
 Campbell, Virginia Ruth, Yazoo City
 Canizaro, Jack, Vicksburg
 Canizaro, P. C., Vicksburg
 Cannon, L. C., Tunica
 Cannon, R. L., Sumner
 Capers, W. W., Jackson
 Caradine, J. E., West Point
 Carballo, J. L., Kosciusko
 Carlton, L. K., New Albany
 Carmichael, Benjamin B., Greenville
 Carney, K. A., Clarksdale
 Carothers, A. M., Grenada
 Carr, J. M., Newton
 Carr, J. V., Laurel

Carter, B. F., Laurel
 Case, C. C., Jackson
 Case, H. F., Quitman
 Casey, Offa Lunsford, Laurel
 Cassedy, J. W., Brookhaven
 Cassidy, J. J., McComb
 Catchings, O. W., Woodville
 Catoe, E. V., Jr., Webb
 Causey, H. F., Cleveland
 Cauthen, Nelson B., Canton
 Chambers, Paul, Jackson
 Chadwick, Carl, Jackson
 Chaney, A. A., Vicksburg
 Chatham, Gerald W., Hernando
 Cheney, Reynolds S., Jackson
 Churchwell, W. C., Leakesville
 Clark, A. B., Indianola
 Clark, Charles E., Ocean Springs
 Clark, Frank, Waynesboro
 Clark, G. C., Waynesboro
 Clark, John A., DeKalb
 Clark, Lester, Hattiesburg
 Clark, T. A., Iuka
 Clarke, E. S., Hollandale
 Clayton, Claude, Tupelo
 Clayton, Hugh N., New Albany
 Clayton, S. P., Tupelo
 Clayton, W. L., Meridian
 Clements, E. C., Rolling Fork
 Clements, W. H., Rolling Fork
 Cleveland, Arthur T., Fulton
 Cochran, Louis, Baldwin
 Cofer, Kermit R., Water Valley
 Cohn, A. A., Brookhaven
 Coleman, Edward F., Purvis
 Coleman, Jerry, Vaiden
 Coleman, J. M., Aberdeen
 Collins, F. B., Laurel
 Collins, Jeff, Laurel
 Collins, R. W., Jackson
 Colmer, William M., Pascagoula
 Colson, J. G., Greenwood
 Conger, J. W., Winona
 Conn, W. D., Jr., care Attorney
 General's Office, Jackson
 Conn, W. D., Sr., Corinth
 Conner, Claude E., Columbia
 Conner, Dudley W., Hattiesburg
 Conner, M. S., Jackson
 Conner, Mrs. E. H., Bay St. Louis
 Cook, Everett E., Gulfport
 Cook, Sam, Jr., Clarksdale
 Cook, W. H., Hattiesburg
 Cook, W. H., Jr., Jackson
 Cooley, D. B., Laurel
 Cooper, A. W., Forest
 Cooper, E. B., Laurel
 Cooper, Forrest G., Indianola
 Cooper, J. E., Purvis
 Cooper, Milton, Philadelphia
 Cooper, R. D., Meridian

Cooper, S. B., Philadelphia
 Corban, L. C., Biloxi
 Corban, R. L., Fayette
 Corban, R. L., Jr., Fayette
 Corey, Lyle V., Meridian
 Corley, W. U., Collins
 Cossar, George P., Charleston
 Cottrell, David, Jr., Gulfport
 Coughlin, James E., Hattiesburg
 Coursey, B. F., Decatur
 Cousins, G. B., Jr., Biloxi
 Covington, A. W., Quitman
 Covington, J. A., Jr., Meridian
 Cowan, R. C., Gulfport
 Cowart, C. F., Meadville
 Cox, Allen, Baldwin
 Cox, Chas. S., Jackson
 Cox, Robert H., Ripley
 Cox, W. A., Marks
 Cox, W. H., Baldwin
 Cox, William H., Jackson
 Cox, W. M., Baldwin
 Craggs, C. J., Cleveland
 Crawford, Marvin, New Albany
 Crawley, D. E., Kosciusko
 Crawley, James T., Jr., Kosciusko
 Creekmore, H. H., Jackson
 Creekmore, Wade H., Jackson
 Crisler, Bert, Jackson
 Crisler, J. Dunton, Clarksdale
 Crisler, John W., Clarksdale
 Critz, Frank A., West Point
 Crum, C. L., New Albany
 Crump, C. H., Cleveland
 Culkin, John H., Vicksburg
 Cunningham, F. W., Booneville
 Cunningham, James A., Booneville
 Cunningham, J. E., Booneville
 Currie, Dan T., Hattiesburg
 Currie, E. Alexander, Hattiesburg
 Curie, E. J., Jr., Hattiesburg
 Currie, George W., Hattiesburg
 Currie, Homer, Raleigh
 Currie, J. H., Meridian
 Currie, Neil T., Hattiesburg
 Cutrer, R. W., Magnolia
 Dabney, F. Y., Vicksburg
 Dabney, J. B., Vicksburg
 Dabney, L. B., Vicksburg
 Dabney, Moncure, Vicksburg
 Dailey, Louis I., Jackson
 Dale, R. H., Columbia
 Dale, Sebe, Columbia
 Dale, T. Price, Hattiesburg
 Daniel, G. O., Starkville
 Darden, R. A., Jackson
 Darden, Tom Leslie, New Albany
 Davis, D. P., DeKalb
 Davis, Edwin D., Fayette
 Davis, E. W., Port Gibson
 Davis, J. E., Hattiesburg

- Davis, James L., Jr., Louisville
 Davis, J. E., McComb
 Davis, Jeff, Indianola
 Davis, S. F., Indianola
 Davis, T. B., Columbia
 Davis, T. W., Jr., Purvis
 Davis, T. W., Sr., Purvis
 Davis, Walter Dell, Kilmichael
 Davis, W. H., Jackson
 Davis, W. S., Waynesboro
 Daws, J. H., DeKalb
 Day, Icey W., Kosciusko
 Day, J. O., Tutwiler
 Day, R. H., Decatur
 Dean, H., Brookhaven
 Dean, J. F., Senatobia
 Deavours, Jack, Laurel
 Deck, W. I., Jackson
 Dedeaux, O. J., Gulfport
 Denman, R. D., Greenwood
 Dennis, Glender, Ellisville
 Denny, W. M., Jackson
 Dent, J. R., Gulfport
 Dent, R. L., Jr., Vicksburg
 Dent, E. L., Collins
 Dent, W. W., Collins
 Denton, C. L., Meridian
 Denton, P. L., Marks
 Dinsmore, R. R., Jackson
 Dixon, T. Vincent, Senatobia
 Donald, William D., Moorhead
 Dorsey, Newman McCoy, Water
 Valley
 Dossett, W. H., Beulah
 Doty, Bennett J., Biloxi
 Doty, Walter S. P., Grenada
 Doty, L. H., Biloxi
 Doxey, Hindman, Holly Springs
 Doxey, Wall, Holly Springs
 Drake, Carl F., Durant
 Drake, J. T., Port Gibson
 Draughn, D. W., Hattiesburg
 Dudley, Colbert, Forest
 Dulaney, J. W., Tunica
 Duncan, B. A., Meridian
 Dunn, Allee, Jackson
 Dunn, A. C., Meridian
 Dunn, Edwin A., Meridian
 Dunn, J. L., Meridian
 Dunn, J. Thomas, H.O.L.C., Jackson
 Dunn, Vardaman S., Greenwood
 Dunning, F. S., Canton
 Dwyer, Francis B., Meridian
 Dye, Bradford, Charleston
 Eager, P. H., Jr., Jackson
 East, J. R., Brandon
 Easterling, Albert E., Laurel
 Easterling, Lamar F., Jackson
 Easterling, W. R., Fayette
 Eastland, J. O., Ruleville
 Eastland, W. C., Ruleville
 Eaton, B. E., Gulfport
 Eaton, B. E., Jr., Gulfport
 Eaton, Jas. S., Gulfport
 Edmond, Henry, Jackson
 Edwards, A. K., Mendenhall
 Edwards, A. M., Mendenhall
 Edwards, J. P., Mendenhall
 Edwards, W. M., Shubuta
 Ellis, W. A., Carthage
 Ellis, W. B., Iuka
 Elmer, F. W., Jr., Biloxi
 Engle, C. F., Natchez
 Enochs, DeWitt, Jackson
 Enochs, J. L., Jr., Jackson
 Estes, William M., Enterprise
 Estopinal, William, Gulfport
 Ethridge, Eugene B., 612 Standard
 Life Bldg., Jackson
 Ethridge, F. K., Meridian
 Ethridge, George H., Jackson
 Ethridge, W. N., Houston
 Eudy, J. E., Eupora
 Evans, C. C., Laurel
 Evans, H. H., Jackson
 Evans, W. J., Calhoun City
 Everett, Frank E., Indianola
 Everett, F. E., Jr., Greenwood
 Everett, W. M., Decatur
 Everitt, H. B., Pascagoula
 Everitt, Robert D., Ruleville
 Ewing, Jack H., Liberty
 Ewing, T. G., Jr., Vicksburg
 Falkner, J. W. T., Oxford
 Falkner, J. W. T., Jr., Oxford
 Falkner, M. C., Jackson
 Fant, Herbert, Sardis
 Fant, Lester G., Holly Springs
 Fant, Lester G., Jr., Holly Springs
 Farish, H. P., Greenville
 Farley, Dr. R. J., Tulane University,
 New Orleans, La.
 Fatheree, J. D., Quitman
 Featherston, D. M., Holly Springs
 Featherstone, F. M., Indianola
 Feduccia, Joseph C., Cleveland
 Feld, N. B., Vicksburg
 Felder, Luther W., McComb
 Felner, Sol, Vicksburg
 Felts, Holland O., Greenville
 Fewell, Will, Meridian
 Finch, Henry L., Laurel
 Finch, J. D., Iuka
 Finch, J. S., Booneville
 Finley, J. A., Tupelo
 Fischel, E. C., Hattiesburg
 Fitzgerald, Gerald, Clarksdale
 Fleming, James S., Natchez
 Flowers, H. Grady, Jackson
 Flowers, J. N., Jackson
 Floyd, Earle N., Jackson
 Floyd, Jason N., Senatobia

- Floyd, J. C., Meridian
 Floyd, L. R., Magee
 Floyd, Matelyn, Jackson
 Fontaine, J. B., Pontotoc
 Fontaine, W. B., Jackson
 Foot, A. K., Canton
 Ford, A. L., Ackerman
 Ford, E. J., Pascagoula
 Ford, Ebb J., Jr., Gulfport
 Fort, J. H., Houston
 Ford, J. I., Pascagoula
 Ford, R. C., Greenwood
 Ford, R. D., Columbia
 Forman, J. M., Indianola
 Fountain, D. G., Jackson
 Fox, John H., University
 Franck, Mrs. Ruth, Jackson
 Franklin, J. B., Jackson
 Franklin, J. E., Jackson
 Franklin, Lester C., Jackson
 Frazier, T. A., Clarksdale
 Friday, J. E., Booneville
 Frierson, John F., Columbus
 Fuller, Henry H., Laurel
 Games, O. T., Iuka
 Galloway, J. F., Gulfport
 Gandy, George, Collins
 Gardner, A. F., Greenwood
 Gardner, A. F., Jr., Greenwood
 Gardner, Hanun, Gulfport
 Garner, Martin, Tunica
 Garraway, J. S., Hattiesburg
 Garraway, J. T., Purvis
 Garth, J. Hunter, Hazelhurst
 Gartin, Carroll, Laurel
 Gautier, H. W., Pascagoula
 Gee, W. F., Clarksdale
 Geisenberger, W. A., Natchez
 Genin, R. L., Bay St. Louis
 Gerald, Eugene, Leland
 Gex, E. J., Bay St. Louis
 Gex, Lucien M., Bay St. Louis
 Gex, W. J., Jr., Bay St. Louis
 Gex, W. J., Sr., Bay St. Louis
 Gilbert, J. M., Cleveland
 Gibson, C. E., Monticello
 Gilbert, Colin O., Winchester
 Gilbert, V. W., Meridian
 Gillespie, Hugh B., Raymond
 Gillespie, Hugh B., Jr., Raymond
 Gillespie, R. G., Meridian
 Gillis, J. K., Philadelphia
 Gipson, J. R., Meridian
 Gipson, J. V., Meridian
 Glass, D. H., Kosciusko
 Glass, Frederick Marion, 30 W.
 Chicago Ave., Chicago, Ill.
 Gober, Curtis A., Iuka
 Good, V. W., Vicksburg
 Goodman, F. C., Biloxi
 Gordin, Charles M., Jackson
 Gordon, C. T., Liberty
 Gore, T. N., Marks
 Gore, W. E., Jackson
 Goss, B. J., Columbia
 Goss, Roy J., Columbia
 Graham, D. M., Gulfport
 Graham, D. M., Jr., Gulfport
 Graham, H. M., Meridian
 Graham, J. H., Meridian
 Graham, Margaret Jones, Jackson
 Graham, S. M., Meridian
 Grant, Leslie B., Biloxi
 Grantham, Levi, Hattiesburg
 Greaves, C. B., Flora
 Greaves, H. B., Canton
 Greaves, J. M., Pocahontas
 Greaves, P. D., Gulfport
 Green, B. A., Mound Bayou
 Green, E. H., Cleveland
 Green, Garner W., Jr., Jackson
 Green, Garner Wynn, Jackson
 Green, Jess D., Tupelo
 Green, J. W., Jackson
 Green, Marcellus, Jackson
 Green, Marcellus Calhoun, Jackson
 Green, John D., Jr., 1011 Belhaven,
 Jackson
 Greer, Winnie, Jackson
 Grice, L. E., Crystal Springs
 Griffing, D. Q., Shelby
 Griffing, Homer B., Bude
 Griffith, Virgil A., Gulfport
 Guice, W. L., Biloxi
 Guider, B. A., Vicksburg
 Gully, J. B., Jackson
 Guy, T. A., Greenwood
 Guynes, J. F., Hazelhurst
 Guyton, J. D., Kosciusko
 Guyton, T. P., Kosciusko
 Gwin, Lucien C., Natchez
 Gwin, Samuel L., Greenwood
 Hafter, Jerome S., Greenville
 Hairston, Brown C., Crawford
 Hairston, J. M., Indianola
 Hakes, Doric Debell, Catchings
 Hall, Francis L., Tupelo
 Hall, H. G., Jackson
 Hall, Lee D., Columbia
 Hall, R. S., Hattiesburg
 Hall, Toxey, Columbia
 Hallam, L. C., Cleveland
 Haman, Thomas L., Houston
 Hamilton, George S., Jackson
 Hamlin, James E., West Point
 Hammond, Kelly J., Columbia
 Hamner, W. M., Greenwood
 Hannah, T. C., Hattiesburg
 Haralson, William, Hattiesburg
 Hardy, R. R., Jackson
 Harper, A. Y., Jackson
 Harper, Frank H., Hattiesburg

- Harper, Mathew, Jr., McComb
 Harris, W. R., Charleston
 Harrison, Byron P., Gulfport
 Hartley, C. D., Columbus
 Harty, Emmett, Greenville
 Harwell, J. D., Pachuta
 Harwell, J. M., Meridian
 Hathorn, Fleet C., Jr., Hattiesburg
 Hathorn, Hoy, Louisville
 Hathorn, C. V., Columbia
 Hathorne, F. C., Poplarville
 Hatten, W. J., Sumrall
 Hauberg, Robert E., Jackson
 Haydon, Charles R., Gulfport
 Hayes, George L., Wesson
 Hayes, Mrs. Charles M., Hattiesburg
 Hearst, A. A., Hattiesburg
 Hedgepeth, T. H., 860 St. Charles
 St., New Orleans, La.
 Heidelberg, D. W., Shubuta
 Heidelberg, H. P., Pascagoula
 Heidelberg, M. L., Waynesboro
 Heidelberg, R. W., Hattiesburg
 Heiss, J. L., Gulfport
 Heiss, J. L., Jr., Gulfport
 Hemingway, William, University
 Hendrix, Leon F., Jackson
 Hendrix, Thomas D., Jackson
 Hengen, Louis, Biloxi
 Henley, W. S., Hazelhurst
 Hennington, Lamar, Hattiesburg
 Henry, W. A., Yazoo City
 Herbert, Lon D., Oxford
 Herring, George B., Canton
 Herring, Lee H., Ruleville
 Hester, Clyde L., Jackson
 Hewes, Gaston H., Gulfport
 Hewes, William G., Gulfport
 Hewitt, F. D., McComb
 Hewitt, William H., Jackson
 Hibbler, Stacy G., West Point
 Hickman, J. M., Edwards
 Hiemelstern, Benedict, Moorhead
 Higgins, John B., Jackson
 Hilbun, Henry, Laurel
 Hilbun, Henry, Jr., Laurel
 Hill, C. E., Hattiesburg
 Hill, Wiley C., Apt. 127 3100 Conn.
 N. W., Washington, D. C.
 Hillman, J. B., Philadelphia
 Hilton, R. T., Jackson
 Hilzim, Harrington, 7111 Hunt,
 New Orleans, La.
 Hindman, E. E., Jackson
 Hirsch, J. K., Vicksburg
 Hobbs, H. W., New Mer. Bank
 Bldg., Jackson
 Hobbs, W. E., Moorhead
 Hoffman, C. R., Gulfport
 Holcomb, Pascal D., Clarksdale
 Holden, H. Cassidy, Jackson
 Holesapple, Newsom, Columbus
 Holloman, John H., Columbus
 Holloway, C. D., Jackson
 Holmes, D. B., Jr., Meridian
 Holmes, D. W., Hattiesburg
 Holmes, E. R., Jr., Jackson
 Holmes, E. R., Yazoo City
 Holmes, F. C., Hernando
 Holmes, G. M., Aberdeen
 Holmes, Herbert, Senatobia
 Holmes, H. R., Winona
 Holmes, J. G., Yazoo City
 Holmes, R. M., Meridian
 Holmes, W. F., Jr., Yazoo City
 Hopkins, Hugh S., Lula
 Hopkins, Joseph W., Clarksdale
 Hopkins, Thomas G., Louisville
 Hopper, H. A., Corinth
 Horan, John, Water Valley
 Horan, Leo, Jackson
 Horne, F. R., Jackson
 Hornsby, Oliver M., Natchez
 Horton, Cowles, Grenada
 Horton, Kenneth D., Jackson
 Horton, William T., Jackson
 Hosey, G. W., Laurel
 Houston, D. W., Aberdeen
 Houston, D. W., Jr., Aberdeen
 Houston, David Winston, III,
 Aberdeen
 Howard, Perry W., Jackson
 Howie, J. H., Jackson
 Howie, Joseph, Jackson
 Howie, Virgil, Jackson
 Howorth, Joseph M., Jackson
 Howorth, Lucy Somerville (Mrs. J.
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 Huber, H. T., Canton
 Huff, J. Knox, Forest
 Hughes, Frank K., Kossuth
 Hughes, J. B., Moorhead
 Hulen, Elizabeth, Jackson
 Hunt, F. M., Hattiesburg
 Hunt, Mrs. Nell W., McComb
 Hunter, J. Q., Jr., Union
 Hutchison, C. B., Tupelo
 Hutchison, J. T., Summit
 Hutto, A. C., Gulfport
 Hutto, W. M., Waynesboro
 Hutton, J. B., Jr., Jackson
 Inman, C. E., Jackson
 Inzer, William H., Pontotoc
 Irby, P. Eugene, Jr., Holly Springs
 Jaap, C. C., Jackson
 Jack, E. E., Scooba
 Jackson, F. B., Jackson
 Jackson, Robert E., Cleveland
 Jackson, William F., McComb
 Jacobson, Gabe, Meridian
 James, W. W., Newton
 Jaquess, C. A., Tunica

- Jarratt, Hill, West Point
 Jayne, R. L., Greenville
 Jiggitts, Louis M., Jackson
 Johnson, C. C., Meridian
 Johnson, C. E., Union
 Johnson, D. R., Batesville
 Johnson, Elbert, Indianola
 Johnson, Harper, Senatobia
 Johnson, H. H., Lexington
 Johnson, J. L., Pittsboro
 Johnson, O. W. (col.), Prentiss
 Johnson, Paul, Hattiesburg
 Johnson, W. A., Newton
 Johnston, Albert S., Jr., Gulfport
 Johnston, H. Grady, Hernando
 Johnston, Means, Greenwood
 Johnston, Thomas H., Corinth
 Jones, A. H., Woodville
 Jones, Bert H., McComb
 Jones, Bernard M., Mileston
 Jones, C. J., Waynesboro
 Jones, Edward I., Bay St. Louis
 Jones, Ernest P., Jr., Hermanville
 Jones, H. F., Belzoni
 Jones, L. B., Jackson
 Jones, P. Z., Jackson
 Jones, R. C., Louisville
 Jones, R. L., Brookhaven
 Jones, W. Roger, Woodville
 Jones, W. V., Laurel
 Joor, J. S., Jr., Rolling Fork
 Joor, Wm. Walker, Rolling Fork
 Jordan, R. A., Greenwood
 Jourdan, J. C., Jr., Iuka
 Joyner, Ernest Love, Jr., Tupelo
 Katz, Andrew D., Hattiesburg
 Katzenmeyer, C. Leonard, Vicksburg
 Kaufman, M. L., Rosedale
 Keaton, Grayson B., Picayune
 Keesee, Thos. M., Lula
 Kellner, Ernest L., Greenville
 Kelly, A. F., Hattiesburg
 Kelly, R. M., Vicksburg
 Kemp, Carol, Hazelhurst
 Kendall, Henry M., New Mer. Bank
 Bldg., Jackson
 Kennedy, Heber, Magee
 Kent, Jeff, Forest
 Keyer, James H., Natchez
 Keys, R. Taylor, Sardis
 Kier, W. H., Corinth
 Kimbrough, O. L., Greenwood
 Kimbrough, T. C., University
 Kimmons, R. F., Water Valley
 Kincannon, H. V., Tupelo
 King, Bee, Mendenhall
 King, Benjamin, Hazelhurst
 King, S. R., Durant
 Kirby, R. H., Clarksdale
 Knox, R. H., Jackson
 Knox, W. T., Winona
 Koonce, Pat, Hattiesburg
 Kruse, H. A., Biloxi
 Kuykendall, John M., Charleston
 Kyle, John W., Sardis
 Lacy, C. R., Booneville
 Lacy, Eugene P., Booneville
 Lamar, E. L., Calhoun City
 Lake, J. A., Jr., Greenville
 Lamb, Knox, Greenwood
 Land, T., Kosciusko
 Landrum, Ralph, Kosciusko
 Landrum, Scott, Kosciusko
 Lane, E. M., Raleigh
 Lane, Rabian D., Jackson
 Larr, G. L., Jr., Vicksburg
 Laseter, C. I., Jackson
 Laseter, Sam E., Morton
 Latham, Luther F., Eupora
 Latham, W. F., Quitman
 Laub, S. B., Natchez
 Lauderdale, D. C., Senatobia
 Lauderdale, J. A., Jackson
 Lawrence, T. J., Rolling Fork
 Lawrence, W. O., Calhoun City
 Leach, F. E., Carthage
 Leach, H. B., Jackson
 Leak, H. C., Woodville
 Leathers, James A., Gulfport
 Le Brano, J. R., Meridian
 Lee, Percy M., Forest
 Lee, W. J., Jr., Prentiss
 Leftwich, Frank S., Aberdeen
 Lenoir, James J., University
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 Lewis, E. M., Hazelhurst
 Lewis, Ida Lou (Mrs. E. M.), Hazel-
 hurst
 Lewis, M. A., Jr., Jackson
 Lewis, T. W., Jr., Columbus
 Lincoln, B. A., Columbus
 Lincoln, C. L., Columbus
 Lindholm, P. P., Lexington
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 Lindsay, W. E., Gulfport
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 Logan, W. E., Natchez
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 Long, C. P., Jr., Gulfport
 Long, L. H., Jackson
 Long, Sam P., Tupelo
 Long, S. H., Tupelo

- Longino, A. H., Jackson
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 Lotterhos, F. J., Jackson
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 Loving, J. W., Columbus
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 Lowrey, J. T., Gloster
 Lowrey, P. H., Marks
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 May, L. P., Jackson
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 McClendon, B. B., Jackson
 McClintock, Geo. Thos., Belzoni
 McClure, James, Jr., Sardis
 McCool, D. C., Canton
 McCraime, C. H., Houston
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 McCully, J. T., Louisville
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 McGee, S. Q., Hickory
 McGehee, D. R., Meadville
 McGehee, E. H., Columbia
 McGehee, L. H., McComb
 McGehee, W. H., Bude
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 McGowen, James G., Jackson
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 McKee, H. K., Picayune
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 McLaurin, A. J., Jackson
 McLaurin, Carroll J., Raleigh
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 Melvin, Leonard B., Laurel
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 Miller, D. M., Hazelhurst
 Miller, Hugh Barr, Hazelhurst
 Miller, Hugh B., Jr., Greenville
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 Miller, Leighton S., Clarksdale
 Miller, M. V. B., Meridian
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 Miller, W. B., Clarksdale
 Milloy, G., Prentiss
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 Mitchell, Charles S., Tupelo
 Mitchell, Ely B., Corinth
 Mitchell, George T., Tupelo

- Mitchell, Guy W., Tupelo
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 Mitchell, Thomas, Magnolia
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 Mize, Sidney C., Gulfport
 Mize, Webb, Jackson
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 Monaghan, Noel, Tupelo
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 Montgomery, Goode, Laurel
 Montgomery, Holt, Laurel
 Montgomery, M. B., Yazoo City
 Montgomery, V. B., Belzoni
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 Montjoy, W. H., Greenwood
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 Moreland, G. C., Corinth
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 Morgan, F. R., Morgan City
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 Morrison, E. T., Leakesville
 Morrison, H. L., Okolona
 Morse, J. M., Poplarville
 Morse, Stanford E., Gulfport
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 Moss, Joseph H., Raleigh
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 Mounger, Breed O., Tylertown
 Mounger, Gilruth, Greenwood
 Mounger, H. C., Greenwood
 Mounger, Henry, Columbia
 Mounger, W. M., Jackson
 Munn, W. I., Newton
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 Murphy, George H., Gulfport
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 Murray, J. C., Brandon
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 Nelson, A. M., Jackson
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 Nunnery, Herbert, Jackson
 Oates, O. M., Bay Springs
 Odom, H. T., Greenwood
 Ogden, J. N., Magnolia
 Oldham, L. E., Oxford
 O'Mara, Junior, McComb
 O'Neal, J. H., Clarksdale
 O'Neil, A. M., Drew
 O'Neill, John J., Vicksburg
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 Overstreet, Webb, Holly Springs
 Owen, F. C., Columbus
 Owen, Lewis F., Belzoni
 Owens, H. S., Jackson
 Pace, Courtney C., Pace
 Pack, Samuel V., Oxford
 Pack, W. J., Laurel
 Pack, W. J., Jr., Laurel
 Paine, Tom F., Aberdeen
 Palmer, Eugene, Jackson
 Parker, E., Houston
 Parker, H. H., Poplarville
 Parker, James E., Meridian
 Parker, S. R., Taylorville
 Parker, Urithon B., Wiggins
 Parsons, W. A., Summit
 Patterson, Albert T., Calhoun City
 Patterson, C. F., Natchez
 Patterson, H. J., Monticello
 Patterson, Joe T., Calhoun City
 Patton, Fred B., Oxford
 Patton, Robert L., Amory
 Patton, Wright, Oxford
 Patty, E. C., Macon
 Payne, William, Greenville
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 Penix, Joseph Hudson, Jackson
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 Phillips, Robert P., Fed. Land Bank,
 Jackson
 Phyfer, Lamar, New Albany
 Pierce, M. F., Greenwood
 Pierce, Wentworth W., Jackson
 Pilgrim, M. A., Jackson
 Pinnix, J. A., Amory
 Pittman, Claude F., Hattiesburg

- Pittman, Homer, Hattiesburg
 Pittman, H. P., Cleveland
 Pollard, E. J., Hernando
 Pollard, R. V., Greenwood
 Pollard, R. V., Jr., Greenwood
 Porter, M. B., Mozelle
 Posey, L. L., Jackson
 Potter, Chalmers, Jackson
 Powell, Robert H., Canton
 Powell, Robt., Jr., Canton
 Powell, Sid, Canton
 Power, George B., Jackson
 Price, J. H., Indianola
 Price, J. H., Magnolia
 Price, J. H., Jr., Magnolia
 Price, K. G., McComb
 Price, Maurice, Baptist Bldg., Jackson
 Price, Mrs. Zelma W., Greenville
 Pringle, Victor B., Biloxi
 Prisock, Neal, Louisville
 Provine, B. B., Jr., Greenwood
 Prude, J. O., Jr., Amory
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 Rawls, H. C., Columbia
 Ray, Bob, Jackson
 Ray, Tip, Canton
 Redmond, S. D., Jackson
 Reeves, R. B., McComb
 Reich, Frank L., Louisville
 Reiley, Marion W., Meridian
 Rhine, H. M., Iuka
 Rhodes, John Sivley, Jackson
 Rice, Greek L., Jackson
 Rice, Greek P., Clarksdale
 Rice, Joseph S., Starkville
 Richardson, Charles, Macon
 Richardson, E. S., Philadelphia
 Richardson, F. E., Meridian
 Ricketts, Barron C., Jackson
 Riddell, J. A., Meridian
 Ridgeway, Charles R., Jr., Jackson
 Ritchy, G. P., Tunica
 Roach, J. Gordon, McComb
 Roane, A. G., Grenada
 Roberds, W. G., West Point
 Roberts, Bramlette, Oxford
 Roberts, J. C., Cleveland
 Roberts, M. M., Hattiesburg
 Roberts, W. B., Rosedale
 Roberts, W. C., Rosedale
 Roberson, J. Lake, Clarksdale
 Robertson, Stokes V., Jackson
 Robinson, R. H., Vicksburg
 Roby, V. M., Tylertown
 Rodgers, Henry L., Louisville
 Roebuck, S. T., Newton
 Ross, H. E., Jr., Laurel
 Ross, J. C., Gulfport
 Ross, Quitman, Laurel
 Ross, Tom Trotter, Clarksdale
 Rowe, V. D., Winona
 Rowland, Dr. Dunbar, Jackson
 Ruff, D. T., Lexington
 Rush, M. L., Meridian
 Russell, D. M., Gulfport
 Russell, George Ramsey, Greenville
 Russell, Lee M., Jackson
 Russell, R. C., Magee
 Rylee, Willis Yeates, Clarksdale
 Sack, Lester M., Clarksdale
 Salter, S. G., Hazelhurst
 Sams, J. O., Meridian
 Sanders, J. O. S., Jackson
 Sanders, J. O. S., Jr., Jackson
 Sanderson, David, Calhoun City
 Sanford, W. H., Jr., Philadelphia
 Satterfield, J. C., Jackson
 Satterfield, Milling M., Port Gibson
 Saul, L. K., Ellisville
 Sauls, Edward B., Jr., Brookhaven
 Savage, James S., Ackerman
 Savage, J. W., Gulfport
 Saxon, J. B., Waynesboro
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 Scott, Walter A., Jr., Jackson
 Scudder, E. N., Mayersville
 Seale, J. Eugene, Jr., Meridian
 Searcy, W. P., Drew
 Segura, H. Weston, Jackson
 Sekul, John, Biloxi
 Sewell, Brown L., Jackson
 Shands, Dugas, Cleveland
 Shanks, J. W., Sumrall
 Shannon, Charles R., Laurel
 Sharp, E. C., Boonville
 Shaw, George E., Jackson
 Sheffield, I. L., Fulton
 Sheffield, Joe, Calhoun City
 Shelton, Ernest L., Jackson
 Shelton, Tom, Lambert
 Shields, C. S., Meridian
 Shipman, W. A., Jackson
 Shirley, J. E., Quitman
 Shivers, J. C., Poplarville

- Shoemaker, A. R., Century Bldg., Jackson
- Short, Joseph H., Vicksburg
- Shotts, H. A., Meridian
- Sillers, Walter, Jr., Rosedale
- Simmons, E. J., Magnolia
- Simmons, E. J., Jr., Magnolia
- Simmons, Hansford L., McComb
- Simmons, J. U., Gulfport
- Simmons, W. W., Cleveland
- Simrall, James R., Hattiesburg
- Sims, W. L., Columbus
- Singley, Jas. T., Meridian
- Sisson, Charles A., Clarksdale
- Sledge, N. R., Jr., Senatobia
- Slough, C. E., Oxford
- Smallwood, R. L., Jr., Oxford
- Smith, B. J., Clarksdale
- Smith, C. C., Richton
- Smith, Edward W., Clarksdale
- Smith, E. M., Holly Springs
- Smith, Fred B., Ripley
- Smith, George R., Pass Christian
- Smith, J. I., Monticello
- Smith, J. J., Jr., Meridian
- Smith, John T., Cleveland
- Smith, Lemuel A., Holly Springs
- Smith, Lemuel A., Jr., Holly Springs
- Smith, L. O., Jr., Jackson
- Smith, Luther A., Hattiesburg
- Smith, O. R., Corinth
- Smith, Rundle, Vicksburg
- Smith, Sydney, Jackson
- Smith, V. B., Paden
- Smith, V. D., Iuka
- Smylie, J. A., Crystal Springs
- Smyth, Arnold, Batesville
- Snow, Charles B., Jackson
- Snow, E. L., Meridian
- Snyder, W. M., Jackson
- Soloman, Earl, Greenville
- Somerville, Robert N., Cleveland
- Sparkman, A. B., Cleveland
- Spight, Frank L., Tupelo
- Spinks, L. P., DeKalb
- Spivey, L. G., Canton
- Spivey, R. E., Canton
- Spradling, J. M., Tupelo
- Stainton, R. L., Jackson
- Stamper, H. G., Union
- Stanley, Roger, Booneville
- Starnes, B. F., Slate Springs
- Steen, R. E., Picayune
- Stennett, E. W., Jackson
- Stennett, J. C., Jackson
- Stennis, J. D., Jr., Biloxi
- Stennis, John C., DeKalb
- Stennis, J. P., Macon
- Stephens, Hubert D., care R. F. C., Washington, D. C.
- Stephens, Z. M., New Albany
- Stevens, Ben, Hattiesburg
- Stevens, H. S., Hattiesburg
- Stevens, J. Morgan, Jackson
- Stevens, J. Morgan, Jr., Jackson
- Stigler, W. A., Tunica
- Stirling, Carter, Jackson
- Stirling, J. B., Jackson
- Stockdale, Roy, Greenville
- Stockett, Peter M., Woodville
- Stockett, W. J., Woodville
- Stockstill, J. E., Picayune
- Stockstill, W. W., Bay St. Louis
- Stone, H. R., Decatur
- Stone, H. R., Jr., Decatur
- Stone, James, Oxford
- Stone, J. D., Lambert
- Stone, J. P., Coffeeville
- Stone, Phil, Oxford
- Stone, John E., Lamar Life Bldg., Jackson
- Stone, V. D., Lambert
- Stone, W. I., Coffeeville
- Stoner, Alfred, Greenwood
- Stovall, A. T., Okolona
- Stovall, Carey, Corinth
- Stovall, R. C., Okolona
- Strange, E. T., Meridian
- Strauss, D. S., Greenville
- Street, A. J., McComb
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- Street, Oscar, Ripley
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- Stribling, Dees, Philadelphia
- Stribling, Jim, Philadelphia
- Stribling, William P., Columbus
- Stricker, V. J., Jackson
- Stringer, H. C., Jackson
- Strong, L. Q., Sumner
- Strong, W. A., Jr., Louisville
- Stump, D. R., Aberdeen
- Sturdivant, J. I., Columbus
- Sullivan, C. W., Hattiesburg
- Sullivan, T. Harris, Hattiesburg
- Summers, C. L., Corinth
- Sumrall, J. H., Jackson
- Sumrall, N. W., Belzoni
- Sutherland, A. L., Booneville
- Swalm, Sherman W., Brookhaven
- Swalm, Terry S., Brookhaven
- Swango, C. M., Jr., Sardis
- Swartzfager, Paul, Laurel
- Sweat, N. S., Corinth
- Sweat, W. C., Corinth
- Sykes, James Burbon, Mendenhall
- Sykes, J. A., Jackson
- Sylverstein, B. S., Columbia
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 Thompson, C. E., Prentiss
 Thompson, Fulton, Jackson
 Thompson, J. H., Jackson
 Thompson, J. L., Bay Springs
 Thompson, R. H., Jr., Jackson
 Thompson, Robert W., Jr., Gulfport
 Thompson, W. S., Jr., Greenville
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 Todd, H. D., Cleveland
 Torrey, James A., Meadville
 Torrey, J. E., Fayette
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 Triplett, O. B., Jr., Forest
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 Truly, Jeff, Fayette
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 Watkins, H. V., Jr., Jackson
 Watkins, Thomas H., Jackson
 Watkins, W. H., Jackson
 Watkins, W. H., Jr., Jackson
 Watson, G. S., Port Gibson
 Watson, J. R., Jackson
 Watson, Lamar, Greenville
 Watson, W. Scott, Greenville
 Weathersby, O. O., Taylorsville
 Weaver, T. J., Picayune
 Weems, Milton, Richton
 Weil, Karl, Port Gibson
 Weir, W. T., Philadelphia
 Welch, W. S., Laurel
 Wells, James M., Magee
 Wells, Robert, Jackson
 Wells, W. C., Jackson
 Wells, W. Calvin, Jr., Jackson
 Wells, W. Calvin, III., Jackson
 Wells, Will S., Jackson
 Westbrook, C. H., Jr., Meridian
 Wheelless, L. L., Jackson
 Whetstone, J. C., Biloxi
 White, H. Edwin, Lexington
 White, J. M., West Point
 White, J. P., Canton
 White, T. J., Gulfport
 White, W. A., Gulfport

White, W. H., Gulfport	Wiltshire, James A., Magnolia
Whitfield, Garland Q., Jackson	Windham, E. K., Booneville
Whitman, Sam, Bay Springs	Windham, Eugene P., Rolling Fork
Whitten, A. L., Sumner	Wingo, Earle, Hattiesburg
Whitten, Jamie L., Charleston	Wise, Louis J., Yazoo City
Whittington, E. F., Clarksdale	Wise, Sherwood, Jackson
Whittington, E. O., Liberty	Witherspoon, Gibson, Meridian
Whittington, L. A., Natchez	Witherspoon, S. A., Meridian
Whittington, William M., Greenwood	Witty, F. M., Greenwood
Wiesenburg, Otto Karl, Pascagoula	Womack, Edw. L., Brookhaven
Wiggington, R. D., Gulfport	Womack, W. D., Belzoni
Wilbourn, J. C., Meridian	Wood, C. H., Moss Point
Wilbourn, R. E., Meridian	Wood, Orvis S., Tupelo
Wiley, O. E., Ruleville	Wood, T. A., Gulfport
Wilkes, W. Ben, Greenville	Woodruff, Lee T., Marks
Williams, C. D., Yazoo City	Woods, Cilman, Water Valley
Williams, E. B., Poplarville	Woods, H. J., Meridian
Williams, E. B., Meridian	Woody, Wells W., Jr., Tchula
Williams, E. G., McComb	Woollard, P. B., Cleveland
Williams, Frank M., Mozelle	Wooten, R. G., 1726 Upshure St.
Williams, F. T., Mendenhall	N. W., Washington, D. C.
Williams, G. E., Clarksdale	Worsham, B. F., Corinth
Williams, J. L., Indianola	Wright, C. B., Belmont
Williams, Marguerite, Picayune	Wright, C. M., Meridian
Williams, M. Ney, Raymond	Wright, E. C., Holly Springs
Williams, Parham H., Lexington	Wright, F. L., Rolling Fork
Williams, R. X., Oxford	Wright, Russell, Meridian
Williamson, N. S., Meridian	Wynn, William T., Greenville
Williamson, T. L., Purvis	Wynne, Frank, Merigold
Willoughby, T. R., Jackson	Yawn, J. N., Brookhaven
Wills, L. E., Meridian	Yeager, J. A., Lumberton
Wills, T. J., Hattiesburg	Yerger, E. M., Clarksdale
Wilson, Charles D., Hazehurst	Yewell, T. C., Carrollton
Wilson, H. J., Hazelhurst	Young, H. D., New Augusta
Wilson, J. C., Philadelphia	Young, M. C., Aberdeen
Wilson, T. W., Laurel	Zama, Lena, Hazelhurst



